

**Rittman City Council Met in
PUBLIC HEARING
on Monday, July 9, 2012 at 7:00 p.m.**

2013 Tax Budget

Finance Director Barbara Rissland advised they basically decided to keep everything status quo and only adjust the revenues they knew were being adjusted. She advised it also includes the solid waste fund, which will be helpful as far as providing the leaf pickup and brush chipping. Rissland advised in looking at the tax budget summary they can just barely make it through 2013 although it may be a little better when they have the end of the year balances. She advised it was required by Ohio Revised Code that they pass this tax budget by July 15th and get it to the county auditor for passage in order to keep what's left of the local government funds. Rissland advised she was available for questions, but it was pretty much status quo as far as personnel.

City Manager Larry Boggs advised they would be bringing the (actual) budget, although this was close to it, hopefully around October for Council to have (time for) three readings.

Mayor Robertson inquired if Council had any questions or comments on the Tax Budget.

Robertson inquired if anyone in attendance wished to speak regarding the Tax Budget.

No questions or comments were posed.

**REGULAR MEETING
7:05 P.M.**

Members Present: Glen Russell, Lynn Beaumont, Darrell Carey, Steve Johnson
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 – June 11, 2012

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

Workshop

a. Discussion Regarding the Budget Hearing with the Wayne County Auditor Concerning the Inside Millage when Rittman Detached from the Township

Boggs advised he along with the Law Director and the Finance Director attended a meeting with the Wayne County Auditor. He advised it appears the inside millage in previous years and currently has not been calculated correctly by the county. Boggs advised according to their consultant we (Rittman) have been getting more (funds) than we should have (been receiving). He advised the end result since detaching from Milton Township (forming our own township) was that we (Rittman) are going to be in a negative balance because of this error that has been going on for quite some time. Boggs advised they (county) gave us a couple options and one was if they detach from Guilford Township in Medina County. He advised Barb (Rissland) and he talked a little bit and Barb (Rissland) has been running around like crazy doing some homework on this (issue) and they want a little more time to study it and don't want to react too quickly. Boggs advised one of the options they were looking into was hiring our own consultant to look over the figures that were provided by the county and make sure they are accurate. He advised in layman's terms there has been an error over many years and with the detachment it has been brought to light and with the correction they were not in a positive factor. Boggs advised it was going to be in the area of -\$4,000 to -\$10,000 (a year) and they would be bringing (Council) more information as they get it. Boggs inquired if Rissland wished to say anything.

Rissland advised no, she did call this afternoon and had a few more questions for Jarra (Underwood, Wayne County Auditor) and she was researching those to get back to her. She advised it was still her (Rissland) understanding that in annexed areas you can have a lesser inside millage for cities if the school district, which is a different school district than Rittman, would have a higher tax rate they could legitimately reduce the inside millage in that taxing district. Rissland advised what they were proposing to do was keep all of our municipal inside millage at the same level since Chippewa and Norwayne have higher tax rates than Rittman Schools therefore we wouldn't be able to capture all of the inside millage if they don't reduce the municipal portion. She advised she would like a little more information and has requested it from Jarra and she responded it probably wouldn't be right away. Rissland advised she would also like some information on some of those taxing

districts when exactly they were annexed. She advised they (county) kept talking about a 3.6 mill minimum number that they had to equalize to (two?), but she would like to see the calculations on how they came up with that since it has obviously been not done that way for many many years and they were in fact reducing our inside millage in the annexed areas that had different schools prior to this, which she thought was okay. Rissland advised the sheets the consultant prepared also it reduced in one of the taxing districts in Medina, which kind of goes contrary to what he was saying about they have to all be equal. She advised she would like a little more information from them. Rissland advised worst case would probably be around \$6,000 negative. Rissland advised the positive thing was that even though that money wouldn't be coming to the city, our residents will still have a reduction in their (property) taxes for the taxes that are not being paid to the (Milton, Chippewa) townships for services they are not providing. She advised the negative was caused by them giving us the extra for the township, but taking away this amount that they found they said was being paid to us in error. Rissland advised so \$6,000 less for the city however, our (property) tax rate for our residents will drop, which may be helpful as we try to pass some of our other proposals we have been talking about for increasing revenue in the general fund.

Boggs advised part of the problem was they're (Rittman) in two different counties and four different taxing districts.

Rissland advised more than that (four taxing districts), it was six.

Boggs advised with all the different school systems and it was very difficult to calculate and very hard to understand. He advised he believes that was the reason Jarra (Underwood, County Auditor) hired a consultant that specializes in this area to help her determine what was legally right.

Mayor Robertson advised the different school districts get different amounts of inside millage and that was the tricky part.

Rissland advised that was the tricky part. She advised the Ohio Revised Code states you have to keep your tax rates especially your inside millage as equal as you can between taxing districts. Rissland advised that way anyone who is a Rittman resident should pay the same amount of tax to Rittman. She advised there is the one limited exception that she knows was in annexed areas, if the school district in the annexed area has a higher inside millage than what your millage is; it is alright to reduce the municipal inside millage just in that annexed area and have that inequality between taxing districts. Rissland advised she has seen that done and that was how ours (Rittman's) was being done and that was how they still were showing Medina's two taxing districts was being done. She advised (for those reasons) she would like a little more information on why they can't continue in that manner. Rissland advised they were probably going to have to be communicating with Medina County Budget Commission as well as the Wayne County Budget Commission until they get this straightened out.

Boggs advised he believed one of the more irritating things for him was that they have been asking for this information for months. He advised they asked months before Council even did the official detachment. Boggs advised and they were told today that they (county) didn't give any official notice in writing. He advised he guessed they now have to provide anything to county officials in writing to make sure it was acted upon.

Robertson advised the reduction they were getting was only in the areas that were what the townships get and that was most of the city.

Rissland advised from what they (county) were saying wasn't even relative to the township issue as much as they said we were getting too much inside millage or that it was unequal in our taxing districts and it shouldn't have happened. She advised we have four taxing districts in Rittman in Wayne County and two taxing districts in Rittman in Medina County. Rissland advised there were two separate school districts in Medina (County, in Rittman) and there were three separate school districts in two different townships or in Rittman, Wayne County. She advised over time they had 15 mills of inside millage, which had to be reduced to ten and in all these overlapping districts they had these financial calculations to try to equalize everybody and she would like to see how they came up with the numbers they came up with now other than just a spreadsheet saying this was the right one.

Robertson inquired if it was only from the part that overlaps into non-Rittman city school districts.

Rissland advised that was what creates the problem because Norwayne was higher than Rittman's (property) taxes as well as Cloverleaf and Chippewa. She advised in those they said we have to reduce Rittman's millage in all of it goes to the least denominator, which would probably be Norwayne. Rissland advised we do have a small part of Rittman off of Sterling.

Boggs advised that was the old Dalbey Farm in the Norwayne (school) district that they were evaluating, but it was in the floodplain and was farmland and we might consider detaching.

Rissland advised there was only \$156,000 of assessed valuation in that one small district because Norwayne has a higher local school tax inside millage than any place else thus, they would have to reduce in all our districts to come down to that level; was what they (county budget commission/auditor) was saying. She advised it was something they (Council) ought to look at. Rissland advised from what they (county) were proposing the worst case would probably be a \$6,000 loss in income tax to Rittman city however, all of our residents would be paying less, but it was either 4 mills or 4.5 mills and that was a positive thing.

Robertson inquired if it meant more money would go to the school districts or were they paying out more than they had collected.

Rissland advised we were receiving more than they said we should have been receiving so, our tax payers were paying it to us (Rittman). She advised so now they were saying they were going to reduce that on Rittman's inside millage however, give us the township millage so at the end of the day over the total that we do collect, the (approximate) \$350,000, are saying we'll get \$6,000 less on the assessed valuation as it is today under their one scenario. Rissland advised they (county) seemed pretty sure that was what would happen. She advised she would like to see the calculations because it was a pretty complex calculation and she would think at some point and when the rates were determined someone went through that process to come up with the rates and it wasn't something you could arbitrarily say you were reducing this one by this percent, as there had to be some rationale behind it. Rissland advised Jarra (Underwood, Wayne County Auditor) in her office said she (Underwood) had records through 1978 with these exact same rates on them so, at some time we know pre 1978 and those might be on microfilm somewhere else so, she (Rissland) has asked for some additional information. She advised she has asked for information as to when these different taxing districts came in and how it was even equalized and what it was before and what it is now and how did they derive the 3.6 minimum that everybody was talking about now.

No further discussion.

b. Discussion Regarding the Safe Route to Schools (SRTS) Grant

City Manager Boggs advised this grant will provide us with approximately \$362,000 to install sidewalks in the Home Street area. He advised a team of O.D.O.T. officials came in and they walked the entire route. Boggs advised they (ODOT officials) said after looking at some of the areas that there are some problem areas and the grant would pay for retaining walls to be built, but there were some places they adamantly said they would recommend we "walk away from" because they (would just not be feasible or cost effective) He advised the \$362,000 would probably not cover the entire project area targeted. Boggs advised the way it was calculated for the grant application was what was previously done with the first phases of the sidewalk program and not actual costs. He advised ODOT wants it done their way and that was probably going to be a little bit more expensive. Boggs advised there were a couple of ways to do this project and it was indicated to him that if there is overage money they (Rittman) could get more funding for this project. He advised they could receive up to \$500,000 per year for these types of projects. Boggs advised the other way they could do this and in talking with the Wooster City Engineer they decide an area to do sidewalks, calculate what it will cost and assess the property owners. He advised if we have \$100,000 for sidewalks and we assess the property owners 50% of the cost then, we could install a lot more sidewalks for the money. Boggs advised it was up to Council as to which direction they want him to proceed. He inquired if they wanted him to (seek) more funding to cover that area or they might have to reapply the following year to see if they can get more money. Boggs advised he believed a lot of them talked to Mrs. Trent regarding her property on Crismore & Hickin. He advised he received a lot of good comments and ideas from Council regarding her property. Boggs advised he wanted to open the discussion on this topic again to see what direction Council wanted to go. He advised it would probably be a year before they can bid out the SRTS project (for the Home Street area) because it requires engineering. Boggs advised the engineering was done by ODOT so it would not cost the city anything (additional). He advised he would guess the engineering was going to take us into the winter months and the project wouldn't be able to be bid until spring. Boggs advised it depended on whether they wanted to fix some of these troublesome areas now with that same grant. He advised it was dependent on the direction he is given by Council.

Beaumont advised as far as Mrs. Trent's property he believed if they went back to previous discussions they would realize he used her property as (the example) for his suggestion that we put in the ordinance a provision to allow people to come to a committee, a zoning board to determine whether or not a person should be allowed an exemption. He advised he used her (Trent) property over and over again as it was right around the corner from his house and he agrees there is absolutely no reason why there should be a sidewalk there. Beaumont advised they would basically be destroying that lawn and the topography and anyone who sees it would realize there should be an exemption. He advised he believed that was the reason they put it in the ordinance. Beaumont advised he felt they have the mechanism in place to do that and if people want to come and file an appeal then the board can act upon those appeals and the reason they wrote the ordinance in that way. He advised he didn't see any reason to change it as they have provided a mechanism to take care of those situations.

Boggs advised he remembers very distinctly they discussed that (issue) and he thought it was in the ordinance, but it is not. He advised it was never put into the ordinance.

Beaumont advised he thought they had a...

Boggs advised there was an equalization board, the same as with any other type of assessment, but there was nothing he read that allows people to appeal because of rough terrain, etcetera.

Russell advised he thought we talked about the zoning board hearing (such appeals). He agreed they didn't make a motion, but advised he thought the (consensus) was that the zoning board could handle that.

Beaumont advised that was his understanding.

Boggs advised he knows it was discussed and he didn't disagree with it, but it isn't in the ordinance. He advised however, when it was discussed previously he spoke with the zoning board they were not thrilled with this idea. Boggs advised the zoning board was not sure they wanted to tackle that additional (responsibility). He advised if Council wished to go this direction with the zoning board (hearing appeals for sidewalks) he felt it would need an amendment to the ordinance or just say that was their policy as he assumed they could make a motion.

Beaumont advised he is surprised by that (information), as he thought for sure it was in the ordinance. He advised he remembers using Mrs. Trent's property for an example and he felt it was a perfect example of someone that would be non-(conforming) property, but if we didn't do then we didn't do it and he felt we need to correct that. Beaumont advised he felt we should have a mechanism in place where if people feel they should not be obligated to put in a sidewalk due to the topography or other circumstances then he felt they needed to bring it to whether it's the zoning board or equalization board or whatever we establish then it was up to that board to make a recommendation to Council.

Boggs advised (currently) there is a good group of people serving on the equalization board and if they would accept that responsibility that might be a good (decision) if that was what Council wanted.

Hanlon inquired if those were people on the sidewalk equalization board.

Boggs clarified they didn't have one yet, but set one for the South Fork street project, as they have had several letters of appeal for that (project).

Hanlon advised (Boggs) just said equalization board and he was wondering which one he was referring to.

Boggs advised he was referring to the same (people) as in the one passing tonight (for south fork) and he could ask them if they would also serve on a committee "whatever you want to call it".

Hanlon inquired if the people who served on the Property Maintenance Code Committee could (serve this purpose).

Boggs advised there was also the property maintenance board that was just created for nuisance properties. He advised he hasn't even talked to them yet (about this issue), but that was a possibility as well.

Hanlon advised he would say ask them if they are willing.

Boggs advised it was not going to be a fun job.

Carey inquired as to who was going to set the guidelines.

Hanlon inquired if there were any other areas in phase II this year that would require retaining walls.

Boggs advised there was going to be some on Hawthorne and Grandview.

Hanlon advised that was phase II, but you (Boggs) said that we were doing those sections this year.

Boggs advised he believed Mrs. Trent was the only one where there is a terrain problem this year.

Hanlon advised he would make a motion to remove that property from the list this year and wait and see how the grant goes for next year. He advised there was going to be other properties that were going to need retaining walls or should be excluded altogether, whatever that board wants to do.

Russell advised they still need that committee.

Hanlon advised yes, but Larry (Boggs) was going to need to speak with people to see who was willing to accept the responsibility.

Beaumont advised they were probably going to need to establish some guidelines about what they're supposed to do.

Boggs advised he thought it was a great idea (to have a committee hear appeals for the sidewalks).

Beaumont advised he said many times that Mrs. Trent's property was a perfect example where she should not be forced to put in a sidewalk. He advised they need to put the mechanism in place and he agreed they should "back-off" that property until they establish some formalities.

Boggs advised he could work on those formalities for the next meeting and see if he can establish a committee and...

Beaumont advised if they were going to move ahead with the sidewalk program they would need to have it because he was sure they were going to have some citizens say how they would like things to be done.

Boggs inquired regarding the existing grant if they should look at trying to stretch those dollars further by assessing property owners for those sections of sidewalks.

Hanlon advised he felt they should (assess).

Boggs advised well, he does too because they haven't given any other property owners any (relief from being assessed) for either repair or replacement. He advised this mechanism if it continues may give, especially for installing new sidewalks, at least a percentage break on installation

with the help of the grant. Boggs advised it would be like our Issue 2 grants where the cost for the city (was lessened). He advised he would do some more research on that end if that was the direction Council wanted to go and he would try to get a committee established for those types of appeals regarding terrain.

Beaumont advised he didn't believe they could say it was only for that (reason), but if people feel they should not have to put in a sidewalk they could come to the board and set forth their reason why they feel they shouldn't have to (repair/install) a sidewalk. He advised terrain was obviously one of the areas, but there might be something else.

Boggs advised he had to have some type of guidelines because they were obviously going to have the past policy like they did on the repair of the existing sidewalks. He advised so they have guidelines of what to tell that committee.

Hanlon advised he felt it would be similar to what the Board of Zoning Appeals was for if someone goes to the Board of Zoning Appeals, they need to prove hardship. He advised if they can prove hardship then they would have a case.

Beaumont advised he felt they had to be consistent. He advised from the time they started this (program) they need to be consistent. Beaumont advised whatever we required the property owners when we started should be what we continue with. He advised we can't change the rules and we had several come to us last year with concerns about it and we chose to make them install sidewalks.

Hanlon advised he felt if there is a fire hydrant in the way the city needs to take on the cost of moving that fire hydrant.

Carey advised he felt there were some (property owners) who complained they were not financially able to handle the (cost of the assessment) repayment. He advised so, that being a reason for the committee to not do it doesn't seem fair.

Robertson advised it sounded like it was mostly terrain issues.

Beaumont advised hardship covers a lot of definition. He advised it would be up to the committee to make a recommendation and bring it to Council that this is what they've come up with and this was why we've come up with it.

Hanlon advised the one where it was because of terrain could include a 200 year old oak tree where a sidewalk would go and that could be an exemption.

Johnson advised there was going to be areas with trees and/or utility poles and in some of those areas they might be able to reroute it and go around. He advised there could be angle issues because of the driveway and there was no way you would be able to do it. Johnson advised he didn't know if they should include how much incline was acceptable and what was not or if it would require a retaining wall 15' high.

Hanlon inquired as far as the property on Crismore if they could cross it off the list for this year.

Robertson advised they could make a motion during new business.

Carey advised so they were eligible for up to \$500,000 under this grant per year and we were at \$360,000 something.

Boggs advised they were at \$362,000 and Council should keep in mind it was not all for sidewalks.

Carey advised he understood and inquired if it was possible to attempt to get the other \$140,000.

Boggs advised yes and he would be trying to do so.

Citizens Forum

Andrew Javorsky of Cutters Landing advised regarding the paving project (in the South Fork allotment) and he agrees it needs to be done, but he questions the way the assessment is done for corner lot properties. He advised his calculation and in talking with Dave Simpson (Service Director) he told him that the average property was probably 65' (linear feet of frontage) and the 18-20 corner properties were going to be charged almost double of what the average home owner was going to be charged for this paving project. Javorsky advised seeing as they were doing all of the streets (in this allotment) at once he was wondering if there was any way that Council could look at that and see if there was any way to equalize that assessment over the whole project. He advised it would alleviate some of the burden for approximately 10% of the homes out there (corner lots).

Carey inquired as to the policy on assessing when there is a corner lot.

Clerk Brooks advised property owners pay 50% of the project and the city pays 50% of the project (according to their linear feet of frontage). She advised when it comes to corner lots property owners pay the full amount (of their assessment) per their frontage on the short side and 50% of their (frontage) long side.

Boggs advised he believed Mr. Javorsky was proposing to pay zero percent on his long side.

Javorsky confirmed and advised he was asking to pay zero percent on the long side for corner properties, but add it into the total cost of the project (and divide it over all the property owners) as he was willing to pay more per (linear feet), but only charge on the frontage (meaning the roadway portion where his front door faces). He advised he didn't believe it would change the amount per linear foot that much since it would be spread out over the whole project. Javorsky advised he figured his long side would be \$616.17 as it stands right now plus, an additional \$567.15 for a grand total of

\$1183.32 would be his total assessment. He advised if they could spread that out and it wasn't just him, but all the corner homes. Javorsky advised if they spread it out it would maybe add another \$65.00 to their frontage (cost), he felt it would make it more equal for all of them.

Boggs advised he and Dave (Service Director Simpson) discussed this after (Javorsky) talked with the Service Director and that is up to Council to make that policy decision. He advised the city has been following this policy for many many years probably before (he or Simpson) were ever department heads. Boggs advised he couldn't just change it, but it had to be brought to Council. He advised and maybe that was something they wanted to get an appeal from the Equalization Board. Boggs advised the equalization board was going by the guidelines of the current policy.

Hanlon inquired regarding the cul-de-sacs in the area if they are billed their actual frontage. He advised some of those could actually be less than 60 feet.

The clerk advised that was correct.

Hanlon inquired if they only have 30 feet of frontage then they were only being billed for 30 feet.

The clerk advised that was correct.

Hanlon advised it would be beneficial then to live on a cul-de-sac vs. a corner lot.

Russell inquired if we change this (assessment policy) then how were the other property owners going to react to it as it was going to make their (amount per linear foot) a little bit higher.

Javorsky advised they could just divide it up amongst everybody instead of having corner lots pay it all for the long sides. He advised the people who live across the street from him were sharing that street too. Bellman advised the people who live on the cul-de-sacs gotta get to that street.

Russell advised he understood that, but inquired as to how were the other property owners that didn't own corner lots going to feel that their (assessment) was going to be a little bit higher.

Javorsky advised he has already paid for Strawberry Hill once and that street was in worse condition now than any other streets in that (development) that have never been touched. He advised that street (Strawberry Hill) is absolutely deplorable as far as being paved. Javorsky advised he has lived in the house since 1993 and they paved it (Strawberry Hill) once sometime in the '90's and at that time it cost him somewhere around \$450 for the long side and now here he was having to pay for it again and it was in terrible condition.

Mayor Robertson advised he wondered how often they were doing both (sides of the street on corner lots) at the same time.

Boggs advised this (development) has a lot more (corner lots).

Carey advised because they were doing the whole allotment.

Johnson advised he felt it would be a lot more equitable to split it up for all the long sides.

Hanlon inquired if they (Council) had to make that decision tonight or could they see some numbers before they decide how much this was going to affect (the property owners).

Boggs advised they received the "go" letter from the state to do this (project) so they would be bidding (the project) pretty soon and obviously Council would have to award the bid, but he would try to get Council some numbers so they could discuss it and once they have the bid they would have more accurate numbers.

Beaumont advised awarding the bid wouldn't have anything to do with how they allocate the (assessment).

Robertson advised it would change the amounts.

Carey inquired if they could make this policy subject to only when the city does an entire allotment compared to when only one street (for corner properties are improved).

Boggs advised it was (Council) who makes the rules for the city. He advised he believed they could do it for each project individually if they wanted.

Beaumont inquired if they were still moving forward on the bidding.

He was advised yes.

Boggs advised he could get them some additional (figures) for frontage costs for both policies for comparison.

Hanlon advised he would like to see the impact to everyone including the corner lots and hopefully they could use real bid numbers.

Rich Frase of S. Hickin Ave. advised he was the neighbor (of Mrs. Trent) on the other side of (Crismore). He advised they (Council) said they were going to take her off the (sidewalk improvement list) and he inquired if it was both sides or just her side for now.

Hanlon advised he (planned) to make a motion under new business to not (require) sidewalks on the north side of Crismore. He inquired if the south side of Crismore has sidewalks.

Frase advised he doesn't have sidewalks (Crismore side) directly across from (Mrs. Trent) and he was quoted an estimate for \$2500. He advised regarding feasibility his house was 8 feet away from the street so a sidewalk would be like 3 feet from his house. Frase advised it was not a high traffic area.

Hanlon advised he was going to make a motion for the north side because there were two areas that don't have sidewalks on the north side and Mrs. Trent was one of them and both of those (properties) would require a retaining wall. He advised he didn't see where a retaining wall was going to be required on the south side.

Boggs advised Crismore, like other areas in town, have sections with existing sidewalks and areas with no sidewalks.

Frase advised he doesn't think it would make sense to put sidewalks on his side (of Crismore) and not across from him.

Boggs advised (Council) was discussing that her (Mrs. Trent) was not feasible due to the terrain and it was next to impossible to try to do that (install sidewalks). He advised Council previously passed regulations that all sections of the city would have sidewalks and it should have been enforced many many years ago. Boggs advised why when his (Frase) house was built that the sidewalk was not installed, he didn't know. He advised they were now trying to rectify that situation.

Hanlon inquired as to the length (of Frase's property).

Frase advised he was told 770 sf., but it was going to be like 3 feet from his house and that would look (strange) and he had an asphalt driveway that was raised and maybe that fell under the terrain (issue) as well, he wasn't sure.

Boggs advised he could take a look at it and the problem they have was there are sidewalks going to nowhere because they end before you get to Hickin (on Crismore). He advised there were some sidewalks on a portion of (Crismore), but not all of it.

Hanlon inquired as to what was the next street over, Pinewood.

Boggs advised it was Greenwood he believed.

Rissland advised Pinewood.

Russell advised Pinewood and then Greenwood.

Boggs inquired if he was correct that there were sidewalks for some of (Frase's) neighbors on Crismore.

Frase advised yes, and they stop at each of their driveways (Mrs. Trent's and his).

Boggs advised hers (Mrs. Trent) on terrain he could understand, but he wasn't sure about his (property) and would have to take a look.

Frase advised he didn't know if his asphalt driveway being raised would be considered terrain.

Hanlon inquired if his (Frase) house was closer (set) to Crismore than the house on Pinewood is (set) to Crismore. He inquired if their (Pinewood property) sidewalk was 3 feet from the house.

Frase advised his house was further away from Hickin and closer to Crismore. He advised from the edge of his house to the side of the road was about 8 ½ feet. Frase advised allowing for 2 feet to put a sidewalk and then put a sidewalk he felt he would have a sidewalk right outside his window. He advised he didn't know if that would be an issue or not, but he felt like the sidewalk would be 3 feet from his house.

Mayor Robertson advised (the City Manager) would be looking into it.

Hanlon advised it might be something for a special assessment board.

Boggs advised he would be contacting Mr. Frase.

Robert Bellman of Windswept advised he had the same issue as (Javorsky) with a corner lot (at South Fork regarding the paving project) and he said his assessment is estimated at over \$1200. He advised his biggest complaints weren't just the assessment, but there was a sink hole at the corner of Hawk Ridge and Windswept that has been there for 26 years and he complains every year about and nothing was being done. Bellman advised twice his dog fell in and if he hadn't been on a leash he would have lost him. He advised it goes right along the manhole and the manhole sits right along the devil strip. Bellman advised they came out and put a cone there, and didn't even put it on the manhole, but stick it in the middle of the devil's strip. He advised when it rains all that water comes and settles there at the bottom of the road. Bellman advised they put a water drainage grate right in the middle of his driveway and the property across the street was the same way. He advised when the drain was clogged the water runs right passed and settles at the bottom. Bellman advised he has asked time and time again if it was the city and they don't seem to know who is responsible for fixing it, but inquired as to who put it in like that.

Boggs inquired if the city put it in after the allotment was built or did the builder put it in.

Bellman advised when they bought the house it was three years old and it (sinkhole) was there then. He advised three times they have had to fix that grate because the concrete breaks off and then the grate falls through. Bellman advised right now it was starting to crack and break again.

Boggs advised he knows the Service Director sent someone to look at the sinkhole he was talking about. He advised he didn't hear what the outcome was and he would check with him tomorrow morning.

Bellman advised he talked with him last year for over an hour and was given a card and someone to call and every time he would call there was no one there and no one seemed to know who was responsible for fixing it. He advised it has been bad ever since they have lived there and when it rains hard it starts a lake right there and he doesn't understand why the grate was put down there farther as that was where (the rain) was going to run.

Carey inquired if when they do the road (resurface) if that was going to fix this (Mr. Bellman's) problem.

Boggs advised he would have to talk with Dave because he didn't hear the follow-up as to what was going to be done with it.

Old Business - None

New Business

a. **Motion to Approve the 2013 Tax Budget**

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

b. **Res. No. 7716 A Resolution of the Council of the City of Rittman, Ohio, Appointing an Assessment Equalization Board for the South Fork Street Improvement Project as Required by Law and Declaring an Emergency. Three Readings.** Res. No. 7716 was read on first reading. Russell moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7716 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

c. **Res. No. 7717 A Resolution of the Council of the City of Rittman, Ohio, Authoring the Municipal Manager to Enter Into an Agreement for a Safe Schools Grant and Declaring an Emergency. Three Readings.** Res. No. 7717 was read on first reading. Russell moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7717 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

d. **Ord. No. 7718 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Accept the Proposal of Environmental Design Group, Akron, Ohio, for Designing a Septage Receiving Station at the Waste Water Treatment Plant and Declaring an Emergency. Three Readings.** Ord. No. 7718 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.** Ord. No. 7718 was read on second and third reading.

Russell inquired if they spend this money were there any promises or anything in writing that these future people would be using the system.

Cary Metcalf, Utilities Director advised they have been doing a pilot study for about four or five years. Metcalf advised they have been considering this project for a while and have talked to the EPA and the county health department and he has contacted about four different haulers in the area that have shown an interest. Metcalf advised there were a lot of municipalities that have picked up on this for a way of (generating revenue). Metcalf advised there were variables and they would be protecting the integrity of the system.

Russell inquired as to how many have committed themselves that they would do that.

Metcalf advised he has one that will bring 100% and two others who say they will commit themselves, but everything was dependent on how much they would be bringing us. Metcalf advised he couldn't imagine that the project would not be paid off in three years based on just the septic receiving we are doing currently on a limited basis.

Boggs advised there were a lot of factors such as what they charge to accept it versus what other facilities charge, as it was competitive market.

Russell advised it makes him a little nervous to spend this money and then not be fully assured these haulers were going to be using it. Russell advised especially when we are telling the residents that we are short on money and to spend \$33,000 on this we might get our money back, but we don't know that and he felt we were assuming and "you know what happens when you assume".

Beaumont advised on the flip side they (city) were not going to contractually obligate ourselves. Beaumont inquired as to how it would work exactly if contacted (by a septic hauler).

Metcalf advised there was some overhead to run the project as well and indicated they would schedule the receiving of septage and there were different methods they would be looking into. Metcalf advised he believed the open hours of operation for receiving would be set so personnel would be available to take samples and test and there would be contracts. Metcalf advised there would be holding tanks for the material received and if something suspicious were to be found they would not send it back to the plant. Metcalf advised the project consists of installing these tanks so they could control what comes into the plant. Metcalf advised one of the reasons he even considered moving the project forward was because of the influent screens recently installed because they can screen incoming septage from outside sources.

Beaumont advised we have the ability to say no.

Metcalf advised yes and in fact if someone brings something (questionable or unacceptable) they will be cut off and not allowed to bring anything to us again. Metcalf advised they were going to be strict with what they were allowed to accept.

Beaumont inquired (these funds) were coming out of the capital improvement fund and not our general operating fund.

Rissland clarified it was coming out of the sewer fund.

Boggs advised this (legislation) was for the design work and after the design work was done Council will be approached again for a “green light” if funding is there to go out for bids. Boggs advised this was something we can’t (apply) for a grant for because to his knowledge it was a new project and we never score enough points on new construction for Issue 2 grants. Boggs advised it was going to be our dime so to speak, but as he told Council previously, this is a chance that we can make some extra money and pay-off the second loan on the sewer plant to hopefully reduce the overall utility bill in the next few years.

Hanlon inquired if along with the tanks it included pumps, tanks, screens and what was the life expectancy. Metcalf advised it was tanks they were going to put and there were no pumps and the tanks would be regulated by valves and they will have some devices to know how much was being put in. Metcalf advised from the tank it would gravity back to a drop manhole that was 30+ feet deep and there was no need for pumps. Metcalf advised it would then go through the screens to catch rags and from there it would go through the grit system to remove rocks. Metcalf advised it would be treated and he would envision it wouldn’t send more than 20 gallons a minute back to the head of the plant. Metcalf advised if they don’t send a shock effect back to the plant it would have no negative effect on the treatment plant and actually in the winter it has a positive effect.

Hanlon inquired if it was basically maintenance free and would it last 20-30 years without major repairs or pumps to go bad.

Metcalf advised oh yeah and there should be no pumps involved with it now. Metcalf advised it depended on what they decide for the design if there would be a card system involved and there would be valves involved and they would be taking a look at those things, but he didn’t envision any major expense. Metcalf advised they have been receiving a million gallons a year for the past five years already by sludge hauling. Metcalf advised they could use it as their pilot project to see if our (city) system could handle more septic and they haven’t had any problems and that was with them not having the tanks and it all would come in at once and mix with our inflow.

Hanlon advised with the estimated cost to build this storage facility he inquired if there was enough money in the budget to cover the actual build.

Rissland advised yes.

Hanlon clarified barely.

Rissland confirmed barely.

Metcalf advised hopefully it would generate positive income.

Rissland advised one of the good things about this was that there is excess capacity at the plant and that was one way to help your fixed costs.

Metcalf advised he believes Lodi receives it as well as Ashland and he wasn’t sure if Wooster was still although he knew they were at one time. Metcalf advised there were several places around that have started receiving septage now.

Mayor Robertson inquired if these septic haulers were having trouble finding places to...

Metcalf advised just like any regulations and they had to either take it to a farm or some have their own lagoons, which require maintenance on a regular basis. He advised the health department and EPA have regulations for lagoons and there was maintenance involved. Metcalf advised it was all based on economics and in a lot of cases it was more economical for them to bring it to us. He advised a lot of them haul to Lodi and other areas right now that are farther away for them than here (Rittman). Metcalf advised he felt they should gradually go into it and see how it progresses. He advised he would definitely say they would have a positive income flow, but how much right away remains to be seen.

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

e. Res. No. 7719 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, to Provide for a General Election to Change the Distribution of Funds from the Water Fund to the General Fund and Declaring an Emergency. Three Readings. Res. No. 7719 was read on first reading. Hanlon moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried**. Res. No. 7719 was read on second and third reading.

Russell inquired if they could assure the voters that if this passes that the water rate itself was not going to increase.

Rissland advised she didn’t think it was fair to say that because the water fund would be losing, if Council chose to take all of the income tax money back to the general fund the water fund would lose \$365,000.

Hanlon advised he didn’t believe they were doing this with the intention of raising water rates, but that doesn’t mean they won’t eventually go up, but he didn’t believe that was the intent. Hanlon advised sooner or later everything would go up.

Russell advised he understood in future years they might have to, but he didn’t want to get this passed and then raise the water rates right away.

Hanlon advised if the rates were to go up some time in 2013 or 2014 then, hopefully the sewer rates would be lowered to offset so there wouldn’t be any additional cost (to the users of city water). He advised he didn’t want to pay more for his water bill.

Russell advised he felt they needed to know before they send it out to the voters as to what our intentions were.

Rissland advised she felt the intentions are for the flexibility to be able to spend that money on operations if needed.

Hanlon reiterated if needed. He advised at this point they still have a good 2013 budget so, he didn't believe it was needed and they have a sewer debt coming off soon.

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

f. Res. No. 7720 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Supporting the Designation of State Route 94 as a Scenic By-Way. Three Readings. Res. No. 7720 was read on first reading. Carey moved to suspend rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7720 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

g. Ord. No. 7721 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 191.13, Allocation of Funds of the City of Rittman and Declaring an Emergency. Three Readings. Ord. No. 7721 was read on first reading. Law Director Bower inquired if Council wanted to do this as they just passed a resolution to put it on the ballot. Carey advised he wondered the same thing. Hanlon advised he would be voting against it (Ord. 7721). Russell advised if it passes (at the ballot) they could still do this one. Robertson advised if it passes they won't need to do this. Bower advised if it fails they could still do this. Hanlon moved to Table, all Yeas on roll call and **motion carried.**

h. Res. No. 7722 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Prepare and Submit Applications to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required and Declaring an Emergency. Three Readings. Res. No. 7722 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. 7722 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

i. Ord. No. 7723 an Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 7678, As Amended, According to the Attached Sheets and Declaring an Emergency. Three Readings. Ord. No. 7723 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.** Ord. No. 7723 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

j. Motion to Waive the Deposit and the Fee for the Opening/Closing of the Fire Hydrant for the Rittman Exempted Village School District for the Purpose of Watering the Fields for the New Athletic Complex. Russell inquired if they (school) would still be paying for the water used. Boggs advised that was correct. Johnson so moved, all Yeas on roll call and **motion carried.**

k. Motion to Remove the Trent Property on the North Side of Crismore from the Sidewalk Improvement List this Year Where New Sidewalks Were to Be Installed and Not Just Replaced. Russell inquired if that was just for this year or indefinitely.

Hanlon advised it was just for this year that there would be more of phase II next year. He advised they could look at it again next year and see where we are at with the grant money.

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

l. Motion to Go Into Executive Session for the Purpose of Discussing a Personnel Matter and Invite the Mayor, City Manager and Finance Director – 8:30 p.m. Boggs advised this was Barb's (Rissland, Finance Director) request so he was going to let her say who she would like included. Rissland advised Council, Mayor, Larry (City Manager) and Kevin (Bower, Law Director) were welcome if they like. Bower thanked Rissland for the invite, but indicated he would excuse himself unless his presence was required. Hanlon so moved, all Yeas on roll call and **motion carried.**

m. Motion to Come Out of Executive Session – 9:18 p.m. Russell so moved, 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 June

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

Council Remarks

Council Member Steve Johnson had no remarks.

Council Member Glen Russell thanked people for attending. He thanked Barb (Rissland) for providing him the financial information.

Council Member Lynn Beaumont had no remarks.

Council Member Darrell Carey advised commended Garrick (Di Salvo, Rec Director) regarding the tragic incident at the rec center (a patron had an apparent heart attack and subsequently passed away) for his quick actions although it was shame the outcome wasn't as hoped. He advised it was good the AED was available for use until help arrived.

Council Member Rick Hanlon had no remarks.

Mayor William Robertson advised last week there was a "Missing in America" ceremony at Rittman's Western Reserve National Cemetery. He advised it was for Veterans whose remains have never been claimed. Robertson advised they did a full burial service for 18 Veteran's. He advised Tom Leatherman attended in his place. Robertson advised the city will receive a flag and a plaque for a man who passed away in 1988 and is remains have been sitting on a shelf in a funeral home since that time, as no one has claimed him. He advised there was a nice service with full military honors and the city will be presented with the flag from his casket and he recommends we donate it back to the national cemetery to be flown on their flag pole and he suggested the plaque could be kept at City Hall. Robertson advised it was a very nice program and there were some interesting comments.

Approval of Vouchers 57207 thru 57358 w/Then and Now Certificates

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

Adjourn: 9:23 p.m.

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

Mayor

Clerk of Council