

**Rittman City Council Met in
REGULAR MEETING
on Monday, August 13, 2012 at 7:00 p.m.**

Members Present: Richard Lapehn, Glen Russell, Steve Johnson, Darrell Carey
and Rick Hanlon

Members Absent: Lynn Beaumont

Presiding: Mayor William Robertson

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

Approval of Minutes – July 9, 2012

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

Workshop

a. Brief Presentation by Donald Eager of Wayne County Fair Housing

Don Eager advised this was his annual visit. He advised Rittman is included in the Wayne County Fair Housing Program and it has to do with the Community Development Block Grant funds (CDBG) (Rittman) gets from the county through the formula program. Eager advised because of that he comes every year and he was glad he comes every year because that means they were getting the money, which was always a good thing. He advised this is a compliance (requirement). Eager advised they still try to take care of the housing issues for the residents in the (city) and included everything from tenant/landlord calls to fair housing calls to foreclosure. He advised it was for people who were looking for affordable housing to people who were looking for help to pay rent or mortgages or utilities. Eager advised they try to provide a service and try to help them out the best they can and at least give them a place to go to get the information they need. He advised luckily they have not had any calls yet this year from Rittman, but the big thing in the county this year is bed bugs and his wife has become an expert of sorts on bed bugs. Eager advised they have been working on that issue and they have some new material they would be putting out in the community sometime in October regarding bed bugs. He advised they receive approximately ten calls a year from Rittman and they were all usually landlord/tenant issues. Eager advised hopefully, he would see them all again next year and the program was free to the citizens and they work as hard as they can to make sure they get the information and help they need. He advised if they hear of people having issues with housing to please give them the 800 on the brochure.

b. Discussion on Changing the Assessment Policy for Corner Lots

Acting City Manager Dave Simpson advised one resident proposed that the cost of the long side of corner lots be split amongst all the property owners of the project to make it more fair, for him. He advised it was up to Council if they wished to change the existing policy or make an exception on this project.

Councilman Carey advised there were 180 properties and 22 of those were corner lots.

Mayor Robertson advised if the policy was changed it would give a break to 22 property owners and affect all 180 properties.

Simpson advised they have already sent out the notification that the assessment was going to be approximately \$9.50 per linear foot and if Council makes this change, he is estimating it would now cost \$11.85 per linear foot rolling all the long sides into the total project for all the property owners.

Councilman Russell inquired if this change was made if it would be for all future street assessments.

Robertson advised he felt the request was only for this project as it wasn't very often that both streets were done at the same time for corner lots. He advised it would be up to Council if any motion was made to specify if it was only for this project. Robertson inquired as to how soon Council would have to act on this and whether it would hold up the project.

Simpson advised it would not hold up the project as the assessment invoices probably wouldn't go out until the middle of January sometime so, Council has time to consider it.

Clerk of Council Brooks advised she believed they would have to notify by certified mail 180 property owners of the change in their assessment cost.

Law Director Bower confirmed such notification would be required.

Councilman Hanlon inquired if the current policy has been the one in effect.

Simpson advised that is correct. He advised we have (improved) both streets in different instances such as Rufener Street and Washington Avenue were both paved the same year and those (property owners) had to pay for both sides (according to the current policy) and no variance was issued on that project.

Mayor Robertson noted if Council wished to change the current policy they would need to make a motion under New Business.

c. Discussion of the Guilford Township Detachment

Finance Director Barbara Rissland advised there were no handouts to look at, but she did talk to the Medina County Auditor about the city detaching from Guilford Township. She advised there were three taxing districts at our Guilford Township and approximately maybe \$3 million in assessed valuation. Rissland advised he, in his experience as Medina County Auditor, said Wadsworth separated from Wadsworth Township although he couldn't guarantee if there was freed up inside millage that it would go to the city (Rittman). She advised however, he agreed that whether we (Rittman) get extra money or not, it was probably proper for our tax payers to detach so they were no longer paying for services that they are not currently receiving. Rissland advised he (Medina County Auditor) seemed to think there would be no problem with it. She advised it was a mandated issue if they (Council) would decide to detach and pass the ordinance on to the budget commission they shall accept it. Rissland advised he (Medina County Auditor) was pretty positive on that (issue).

Mayor Robertson clarified it means we (Rittman) would not be part of Guilford Township and Rittman Township would extend into Medina County.

Rissland advised yes and it (Rittman Township) would be all of Rittman City. She advised at least it would be consistent throughout the city then.

Councilman Russell inquired if this was similar to the Milton Township "deal".

Rissland advised it would be exactly like the Milton Township deal except those are two much smaller taxing districts.

Russell inquired if there would be an understanding with the auditor as to how it was going to be as far as taxes are concerned.

Rissland advised all this would do if you separated from Guilford Township, the portion of the City of Rittman that is located in Guilford Township, those property owners would no longer pay taxes to Guilford Township for services that they are not receiving. She advised that was step one. Rissland advised if they want to apply for any free inside millage they could.

Russell inquired if we (Rittman Safety Services) would respond to the emergencies and...

Rissland advised we do that now.

Russell inquired about the upkeep as far as our streets.

Rissland advised we do that now. She advised the township provides no services within the City of Rittman and those taxpayers are paying for services they are not receiving.

It was noted, there is a resolution in item g of new business for Council's consideration.

d. Discussion of the De-Annexation of Property on Sterling Ave and Blough Rd

Finance Director Barbara Rissland advised with regards to Milton Township and the Wayne County (issue) she talked to an attorney at the Ohio Department of Taxation. She advised the first answer sounded as if there may be a little bit of wiggle room, but she went back and talked to some additional people and then said the way the county had calculated it was correct. Rissland advised it goes back to a law that was passed in 1929 to 1933. She advised since that time she spoke to Jarra (Underwood, Wayne County Auditor) and requested that free 1/10 of a mill inside millage to take us from 3.6 to 3.7 and she said certainly the budget commission would try to get them the maximum amount of money that we could get. Rissland advised as part of that discussion they met with the budget commission they talked about (Rittman) has four taxing districts that are in Wayne County and one is very small. She advised the 3 page handout in the packet shows (the smallest district for) prior years was \$156,000 of assessed valuation. Rissland advised to put that into perspective, our two larger ones (taxing districts) was almost \$89 million and the other one was almost \$2 million so, the \$156,000 was very low in assessed valuation. She advised the (small) taxing district (being discussed here) was comprised of now Rittman City and now Rittman Township, but it is Norwayne School District, which have a higher tax rate than any of the two other school districts that are a part of Rittman (Wayne County). Rissland advised if we de-annex, which you can accomplish with a petition of more than 50% of the property owners in that area, they could petition to separate from Rittman City. She advised there are 13 parcels in that district, 4 of them are public utilities, which are no longer taxable and have no acreage attached to them and 1 parcel was Wayne County and is (part of) the bike trail and tax exempt; leaving the other property owners and their valuation of their property. Rissland advised on the map it shows (the location) and if you go out Sterling (Avenue) and like a keyhole it drops down to where the bike trail is and comes back up to Sterling (Avenue). She advised the largest parcel in this district is Morton Salt and in talking with Larry (Boggs, City Manager) a lot of this (property) is in the floodplain so they probably won't be building anything on it if you (Council) were concerned about losing jobs or whatever. Rissland advised that was taxing district 450. She advised on the third page is the impact if they did in fact de-annex this taxing district of what we (Rittman) would lose in property taxes and not just inside millage, but the voting millage for

police and fire. Rissland advised in 2012 the public utilities were no longer taxed and they are shown as zero and obviously county property we (Rittman) don't get anything from. She advised if we separated overall we would lose \$827, but what that would do since Norwayne is at a higher taxing rate, the next higher is Chippewa and they could actually apply for the other 1/10 of a mill from the other taxing districts so, they could in turn potentially gain \$9100 by doing this (de-annex) and gain almost \$8300 a year forever. Rissland advised it might be worth looking at and at least approaching the property owners and seeing if anyone would want to de-annex. She advised she felt it would probably be a good idea and if we got to 3.8, that was where we were before, plus we would now be getting that additional money in those taxing districts with overlapping school districts like Chippewa, where we are in fact getting less than the 3.8. Rissland advised if they (Council) would like to do that Larry (Boggs, City Manager) said he would be happy to start approaching property owners and see what they would like to do.

Robertson advised to be clear when we talk about gaining an extra 1/10 of a mill it was not a change to anyone's taxes, but the way we (Rittman) would collect inside millage.

Rissland advised yes and most of the property owners in Rittman would still be paying less than they were paying when we were part of Milton Township. She advised instead of dropping ½ a mill they would only be dropping 4/10 of a mill so they would still be realizing a drop in their (property) taxes. Rissland advised looking at the size of those taxing districts compared to each other it might really be worth pursuing.

Robertson inquired if it was ½ of the 13 (parcel owners) that would have to...

Rissland advised 51% of the...

Law Director Bower advised... freehold electors.

Robertson inquired if that included the public utilities in the county.

Bower advised they were not electors.

Rissland advised she believed if two property owners were listed they count as two instead of one.

Bower advised yes, the married couples are two votes.

Hanlon inquired as to how they (the properties in question) have been annexed to Rittman.

Rissland advised she didn't have the year at the "top of her head", but she offered to look it up.

Several people commented, "a long time".

Rissland advised she checked and no one was currently receiving water service in that area.

Councilman Lapehn advised it wasn't going to change their (property owners) lives as far as services from the city.

Rissland advised they (these property owners) would no longer be in the City of Rittman.

Mayor Robertson advised they would not pay city income tax.

Rissland reiterated they would not pay city income tax and advised they would not pay the voted levies we (Rittman) have. She advised they would be able to get those services that are provided in the township.

Lapehn advised and it was up to them (property owners) too, as it was not a decision he or anyone else could make.

Rissland agreed.

Lapehn advised for that reason he would not have a problem with this (proposal) as it requires 51% of them to say yes they want to do this.

Robertson advised your (Rissland) analysis of net gain was on property tax and we don't know the loss of income tax.

Councilman Carey advised that might be helpful to know.

Rissland advised as far as Morton Salt, obviously they pay (income) taxes, but she didn't know how much of it would be associated with that parcel. She advised they could look at the other ones and she did ask (the tax administrator) to briefly look at that and she (Rissland) doesn't believe there would be an impact on your (Rittman's) income tax dollars from those properties.

Carey advised he would say contact the property owners and see what happens.

Hanlon inquired if we need a motion.

Robertson advised he didn't believe it would require a motion, but was up to Larry (Boggs, City Manager) to send letters out to property owners or contact them (through another method). He inquired of Council if any disagreed.

No response was given from Council.

Citizens Forum

Judith Cross, Candidate for State Representative for Medina County advised a little bit of Rittman is in Medina County and will be in this district, which is district 69. She advised she has been going to the council and trustee and board of education meetings in the district. Cross advised she is interested in the issues in the different townships and cities within that district. She advised she was out letting people know she is running for this office. Cross advised people can visit her website to learn more at www.crossforrep.com. She thanked Council for the allowing her to come and speak.

Russ Chesbro of Jasmin inquired regarding the street project at south fork as to who came up with the idea (of assessing owners for their street improvement) and how does it "just get dropped on

everyone's lap". He advised he has never heard of any other city paying 50% and he felt usually city taxes and property taxes take care of all of that as that was what they were paying that for. Chesbro advised he was told that most of our property taxes go to the school system. He inquired as to where all this income to even start this program to begin with and who comes up with that (program).

Mayor Robertson advised our city departments evaluate the condition of the roads and we try to get into a program with doing so many streets (each year) and the city has to pay a big chunk of it as well and we (city) have to have enough money to be able to do the streets and to help keep them from getting in disrepair. He advised our city street department does the street analysis and when they start to become heavily deteriorated they come to Council to let them know and the service department a list is proposed to Council for resurfacing. Robertson advised all of them who have driven out there agree the South Fork streets are in pretty rough shape.

Chesbro advised he agreed with that too, but inquired if they honestly thought anyone in that development would be able to come up with that money and advised they would end up paying interest and he felt the city makes out from all that and everything else. He inquired if there were any other property owners present from the South Fork development. No one responded. Chesbro advised he owns a corner lot, but that was not why he was here, but that was approximately \$1150 per corner lot and approximately \$500-\$800 for the other lots. He inquired if they (Council/City) expected them (property owners) to have that money.

Robertson advised it is the policy that has been in place for decades.

Chesbro advised he has never heard of such a thing. He advised he works in Cleveland and he spoke with everyone at his work and they haven't heard either (of this type of assessment). Chesbro advised he doesn't agree with it at all as far as it just coming out of nowhere and sending certified letters to people that they were going to have to pay this (assessment amount). He advised people can't even afford groceries and he guarantees 1/3 of those people in that development don't own the house. Chesbro inquired if the landlords were notified.

Robertson advised yes, the property owner is notified by certified mail.

Fred Rastorfer of Louise Street advised the trash barrel on Sunset and Main at Burger King's corner for at least two weeks has been overflowing and he can't believe he is the only one to notice it. He inquired as to whose responsibility it is to empty that trash container. Rastorfer advised it looks poorly on the city when someone drives by and sees something like that.

Acting City Manager and Service Director Dave Simpson advised Waste Management should be emptying it out. He advised he would look into the situation.

Dan Ramsier of Guilford Township advised he heard the magic word that he has become familiar with and that was annexation. He advised he would ask all of them to study that situation closely as he felt it wouldn't benefit the City of Rittman similar to what happened with Milton and Chippewa Township. Ramsier advised (Council) should back away if they could and an annexation situation has been posed to Guilford Township twice now.

Mayor Robertson advised this was a little different than annexation.

Ramsier advised he knew, but he hears that it could morph into an annexation situation.

Robertson advised he didn't think so, as that was not the plan. He advised (Mr. Ramsier) was not inside the city limits so this (action) would not affect him at all. Robertson advised it would affect the people in Guilford Township inside the City of Rittman as they were paying inside millage on their property tax to Guilford Township and receiving no services for those inside mills. He advised the plan was to remove the part of Rittman that is in Guilford Township and make them part of Rittman Township and they would no longer pay those taxes to Guilford Township, but only pay the portion that goes to Rittman to fund fire and EMS for those services they actually receive.

Ramsier advised they've approached those situations with the previous attempts and there was always the issue of city services and who was paying them.

Robertson advised right, but that was an annexation and they were talking about adding property at that time, but this was not about adding new property.

Ramsier advised he hears that word (annexation) mentioned and it gets his attention.

Barbara Endress of Pondview Circle in the Scenic View Condominium development advised she lives in Guilford Township inside the City of Rittman and she was in agreement with what the city wanted to do (detach from Guilford Township). She advised her question was regarding the school district as she (through her property taxes) pays for Cloverleaf Schools and the kids that live in the area are going to Rittman Schools, yet they (Rittman Schools) are not benefiting at all from their property taxes. Endress inquired if something could ever be done about that if they become part of Rittman (Township).

Robertson advised he needed to follow up with that as he brought it up to the school previously. He advised the city can annex and the city can grow, but it doesn't change the school district boundaries necessarily. Robertson advised however, sometimes the school district does change and when the Winkler Farm was annexed he believes the school district was expanded to include that (property), but he doesn't know how far it goes and there was a lot of question as to where that line is and where the Scenic View Condominiums fall in that (equation). He advised if they were outside of that imaginary line of where the school district ends then yes, they pay to Cloverleaf although the kids could go to Rittman Schools through open enrollment or other options.

Endress inquired if Rittman Schools get the money when a child in another district open enrolls to Rittman.

Rissland indicated the schools get a stipend or voucher.

Robertson advised it was only a portion and was not necessarily the tax money.

Endress advised she felt they were kind of an island because they were Wadsworth utilities (electric), Rittman water (sewer, trash) and Guilford Township.

Robertson advised and their address was Rittman. He advised he would talk to the school about her question. Robertson advised it has been discussed previously and they never came up with a clear definition and he thanked Endress for the reminder.

Russell inquired if there was anything they could do to clarify the school district.

Robertson advised when he was on the school board they tried and they spent a lot of time and money relative to where Premier GM is located on Eastern Road as they tried to get Chippewa to agreed that was Rittman properties and Rittman paid to have it improved and they lost in court. He advised it is very hard to impossible to change school district boundaries.

Old Business

a. Motion to Remove Ord. No. 7721 from the Table

Carey advised we passed (separate legislation) to have this issue placed on the ballot and inquired as to why they need to (act on this legislation).

Robertson advised this (Ord. No. 7721) was tabled at the last meeting and it comes back at the next meeting and if (Council) doesn't want it then, no one make a motion and it...

Law Director Bower advised it would die.

No motion was made and Ord. No. 7721 **Died**

b. 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. First Reading. Died on the Table.

New Business

a. Motion to Approve a Conditional Sign Permit for Wayne Savings at 237 North Main Street Lapehn so moved, all Yeas on roll call and **motion carried.**

b. Motion to Approve a Conditional Sign Permit for Laria at 112 East Ohio Avenue Hanlon so moved, all Yeas on roll call and **motion carried.**

c. Res. No. 7724 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 South Fork Street Improvement Project and Declaring an Emergency. Three Readings and Adoption. Res. No. 7724 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.** Res. No. 7724 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

d. Ord. No. 7725 An Ordinance of the Council of the City of Rittman, Ohio, Determining to Proceed with Improvements to Strawberry Hill, Cutters Landing, Windswept, Pebble Cove, Driftwood, Jasmin, Hawk Ridge, Windsor Mews and Wilers Grove by Removal of the Existing Surface and Replacing it with Asphalt Altogether with the Necessary Appurtenances Thereto and Declaring an Emergency. Three Readings and Adoption. Ord. No. 7725 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. 7725 was read on second and third reading. Carey inquired how soon before they start this project. Simpson advised they (Council) would have an ordinance at the next Council Meeting to approve the contractor. Simpson advised by the September (10th) Meeting date they will have already opened the bids and Council will approve (the City Manager) to go ahead and sign the contract and get "rolling". Simpson advised they usually have good weather through October. Simpson advised the whole project shouldn't take a week and a half (to complete). Carey inquired if they would be able to work around school buses. Simpson advised the school buses will work around us. Simpson advised traffic will be maintained at all times. Carey moved to adopt, all Yeas on roll call and **motion carried.**

e. Ord. No. 7726 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Declaring it Necessary to Proceed with the 2012 Sidewalk Improvement Project All Together with the Necessary Appurtenances Thereto and Declaring an Emergency. Three Readings and Adoption. Ord. No. 7726 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.** Ord. No. 7726 was read on second and third readings. Russell inquired if there was a committee for those who wish to appeal this process. Carey advised he believed it was the zoning

board. Bower confirmed such. Russell inquired if the resident doesn't have curbs were they (required) to put sidewalks in. Simpson advised he looked for such an ordinance today and could not find anything in the zoning code. Simpson advised he had the same question from a resident today and he couldn't find it stated anywhere that we (city) don't install sidewalks on unimproved roads. Hanlon advised there are sidewalks on Orchard St. and there are no curbs. Russell advised he believed Councilman Workman brought it up when they (council) first started discussing the sidewalk program and the reasoning behind him not having to put sidewalks in was (his street) didn't have curbs. Russell advised and someone else called him who served on one of the committees that there was a ruling that they didn't have to put a sidewalk in if they didn't have curbs. Simpson advised he believed that was policy for a while that they didn't try to enforce things on unimproved streets, but under this current sidewalk program it has been instituted to do so. Russell inquired of Bower if he knew of anything (in the code). Bower advised not off the top of his head he doesn't. Simpson advised the one who asked the question served on the zoning board previously and he may be remembering something from when he served, but he (Simpson) researched the ordinances today and there is nothing there (to confirm such). Russell inquired if he (Simpson) believed it was just a policy at that time instead of an ordinance. Simpson advised he believed so. Carey inquired if there was enough time to get this (project) done before (inclement weather). Simpson advised once they get started, yes. Carey moved to adopt, all Yeas on roll call and **motion carried.**

f. Ord. No. 7727 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Accepting the Dedication of Scenic View Allotment and Declaring an Emergency. First Reading. Ord. No. 7727 was read on first reading.

Russell advised when that (development) was "put in" he believed they waived the sidewalk (requirement) and he inquired if we (city) accept this was it still going to be enforced as far as putting in sidewalks.

Bower advised the city did not "waive" the sidewalk requirement because they are condominiums and by state law condominiums are exempt from our subdivision regulations, but must adhere to our zoning regulations. He advised that was why you can put a condominium project in without curb and gutter, without sidewalks, with a narrower right of way. Bower advised a condominium development could do all of those things and there was nothing any city in Ohio could do about it because Columbus passed a law exempting condominiums.

Robertson inquired if we would be enforcing the sidewalk (requirement) out there.

Bower advised if you accept the plat because there are no walks it was "as is", kinda like buying a used car. He advised we (city) did not waive the requirements, we could not enforce it. Bower advised he attended the Planning Commission Meeting and there was no requirement or recommendation that they install sidewalks, they (simply) recommended accepting the plat.

Hanlon advised it looked as if currently the right of way was 50'.

Carey inquired of what benefit to the city was accepting this plat.

Bower advised he didn't see any advantage to the city, but he knows the people in that allotment really want it. He advised it was originally planned for 45 units and only 9 were actually constructed because when the economy tanked the property went into foreclosure and the land was given back to the bank. Bower advised there will be no more units built and these 9 (residences) cannot sustain the condominiums because they will never have enough in their (consortium) to make it work. He advised he believed some of them have (maintenance issues) with roof repair and such, which normally the condo association would pay for, but there is no money in the association. Bower advised the real benefit was for those people in that condominium project because by accepting it we (city) would be helping those people. He advised the downside to the city was the city crews have to plow it in the winter and it would be a secondary street and it would be after the primary streets (were cleared) and no salt.

Simpson advised the street was recently paved and wouldn't be necessary for another ten years.

Bower advised the safety forces already are out there now.

Russell inquired regarding the buyer of the property behind (the existing 9 units) if there are plans to build additional homes.

Adam Hanzie, who represents the owner of the additional acreage advised there will be no additional homes built. Russell inquired if the property was just going to be farmed. He advised that was correct.

Hanlon advised he guessed since they were trying to get a "used car" here he felt they should get some type of assessment as to what they were gettin'. He advised they were currently paying property taxes to the City of Rittman and they are receiving city water, Wadsworth utility (electric). Endress they pay Rittman City income tax. Hanlon advised they pay city sewer and trash.

Robertson advised the group came to Larry (City Manager) and he (Robertson) doesn't believe Larry saw any negatives to it.

Hanlon advised he believed this was brought to Council approximately a year or so ago as a workshop. Endress clarified it was two years ago.

Endress advised they are between a rock and a hard place.

Hanzie advised he was given a list of things that needed to be accomplished for the city so that it could be taken over and included paving the street, which cost around \$14,000 and they are willing to dedicate the retention basin as well as the street to the city and the back 10 acres of the property will be farmed as it should have been. He advised he felt the back property never should have been thought of for development and the reason they are going to keep it as farmland, which it should be. Hanzie advised once this (legislation) passes they will be selling the land to the farmer and he will continue to farm it as is. He advised they have done everything they could do to make sure it was up to the city standards so it could be accepted.

Hanlon inquired when this development was approved if it went through engineering even though it is a condo.

Simpson advised it was reviewed for storm water regulations and so forth.

Hanlon inquired if the water lines, sewer lines were all reviewed.

Simpson advised yes and inspected as they were installed.

Hanlon inquired if their road deteriorates, the City of Rittman would be responsible for doing the same thing we are doing to South Fork in assessing the property owners.

Simpson advised that was correct.

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

g. Res. No. 7728 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Directing the Law Director on Behalf of Council to Petition the Board of County Commissioners of Medina County, Ohio, to Conform to the Corporate Limits of the City Within Guilford Township to be Coextensive with the Corporate Limits of the City and to Create a New Township Known as Rittman Township. First Reading. Res. No. 7728 was read on first reading.

Hanlon inquired if it was necessary really to pass this tonight, as he couldn't see the urgency.

Rissland advised she didn't believe so. She advised she could talk to the Medina County Auditor and find specific dates they would need to have this in effect for which tax year, but she didn't believe it would have to be. Rissland advised if there was a problem with the dates they could maybe do second and third (reading) next time.

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

h. Ord. No. 7729 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 Sheet(s) and Declaring an Emergency. Three Readings and Adoption. Ord. No. 7729 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. 7729 was read on second and third reading.

Lapehn advised the PoolPak (Rec Ctr) was a big ticket item and he inquired if we (city) have replaced it, as it seemed to him they have replaced it at least once.

Rissland advised they replaced the condenser within the PoolPak earlier this year and this is the compressor.

Lapehn inquired if we have ever replaced the whole PoolPak.

Rissland advised no, but they looked at it, but they cost anywhere from \$35,000 - \$50,000. She advised it was very important that it was working properly because if it isn't it doesn't take the moisture out of the air. Rissland advised they looked at the cost of repairing versus replacing different parts of it.

Lapehn advised his concern was warranty issues and inquired if during the roofing (issues) if they replaced the PoolPak.

Rissland advised no, they checked when the last thing broke they checked on a warranty. She advised that (appropriation) was also for the air conditioner in the exercise room (rec ctr), which is apparently not working properly. Rissland advised there was also one (air conditioner) in the gym (not working) and they are going to wait on the one in the gym until next year because it is not utilized as much as the exercise room. She advised the PoolPak they felt was critical because it needs to take the chlorine and moisture out of the air because it could really contribute to corrosion of the other mechanicals if it isn't working properly.

Lapehn inquired regarding the (transfer) from Sewer to Sewer Surplus.

Rissland advised no, the Sewer Surplus Fund appeared to her to have been set up to basically deal with the capital improvements. She advised they would see transfers all the time because it was funded through transfers from the sewer fund, which collects the money into the sewer surplus fund. Rissland advised it was partially the sewer jet and there was also a dump truck and she thinks maybe part of the new screen at the plant.

Lapehn advised it was kind of a misnomer to call it a sewer surplus.

Rissland advised it is over direct operating.

Lapehn advised it sounds as if we are paying too much for our sewer and we have a huge sewer surplus. He advised that would be how he would read it and misunderstand it and think, "Wow! We've got all that money lying around."

Rissland advised she didn't name it, but when they do the report they collapse it all into one fund. She advised what the sewer fund actually deals with is your direct operating costs i.e. personnel, electricity, chemicals and things like that. Rissland advised anything over and above those operating (costs) goes into the sewer surplus and it is used for capital improvements and paying some of the debt service. She advised they could look at changing it, but it was all collapsed into one fund at the end of the day anyway.

Lapehn advised right, as long we understand that.

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

i. Motion to Go Into Executive Session for the Purpose of Discussing a Personnel Matter and Invite the Acting City Manager, the Finance Director and the Clerk – 8:03 p.m. Russell so moved, upon roll call; Carey-No, Hanlon-Abstain, Russell-Yes, Johnson-No, Lapehn-Yes **2- No, 2-Yes and 1-Abstention.** Law Director Bower advised it requires 4 affirmative votes to go into executive session. **Motion Failed.**

City Manager's Remarks

Acting City Manager Dave Simpson thanked the Mayor and Council for allowing him the privilege of sitting in for the City Manager.

Finance Director's Remarks

Finance Director Barbara Rissland advised the standard financial reports for July are in your (Council's) packet as well as your solid waste report for the quarter.

Lapehn advised business collections are up on the "income tax collections by type" page for 2011. He advised there might have been an aberration in 2010 and they (business collections) were up in 2009. Lapehn advised he felt it was a good sign for the business environment of the city.

Rissland advised it was better and that number can fluctuate particularly because they'll file an estimated tax and it may or may not come in according to their estimate. She advised that was part of the aberration the one year, there were high estimates, and they didn't have as good a year and we (city) had to issue refunds. Rissland advised she thinks she would like to revise this report to show refunds by year because she felt that would smooth it out. She advised you (Lapehn) are correct that things are doing a little bit better, but what she feels best about is that withholding is up because that is jobs and that is sustainable.

Lapehn advised it is the highest it has been in the past four years.

Rissland advised yes.

Robertson inquired if that (withholding calculations) was affected by all the construction and contractors in town.

Rissland advised she knows that Shelley (Roberts, Tax Administrator) has contacted the people and she (Rissland) has suggested she (Roberts) contact the county and get a list of who has gotten permits to work at these places. She advised obviously, it wouldn't be here forever, but we might as well receive it while we can.

Lapehn advised regarding the quarterly refuse information and our expenditures for second quarter are down substantially from the first quarter.

Rissland advised right, that was the Waste Management contract as they were seeing the impact of that starting this next quarter as they would see we (city) will start to charge for some of the salaries and the chipping and brush pickup and the leaf pickup to the new fund. She advised they (Council) would see additional expenses which will use up some of that excess.

Lapehn advised because of the savings from the Waste Management contract we are seeing some savings in our city expenditures for refuse collections.

Rissland advised yes.

Lapehn advised regarding miscellaneous return of revenue on EMS and he inquired if that had to do with insurance collections on the revenue report.

Rissland advised sometimes that will be for example we'll buy cards for the Red Cross when we do CPR certification then when the people take the class they'll pay us \$5.00 for each one of those cards and we put it back into the revenue and it may be like a refund and offset it eventually against the expenditure.

Lapehn advised regarding sewage leachate collections and inquired if that had to do with collection of outside sources.

Simpson advised Zollinger Gravel Pit brings their leachate in from the landfill and that is where that money is coming from.

Lapehn advised it is substantial.

Rissland advised yes it is.

Lapehn advised we are getting more business through the sewage plant and more income for the city because we have under use of our sewer plant. He advised so, we are making better use of that resource, very good.

Rissland inquired if the email was working alright (for those we receive their reports from her electronically).

She was advised yes.

a. **Approval of Financial Report for July**

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

Council Remarks

Council Member Darrell Carey congratulated Chief Baillis for getting to go to D.C. to be on the assistant firefighter grant program. He advised he guessed it was a great honor for him and the city. Carey congratulated Laria on his expansion and advised it was going to add considerably to his facility and make the entrance to the city much nicer.

Council Member Glen Russell thanked everyone for being here. He inquired if the Douglas Drive project would be completed in time for the first football game. Russell advised he believed the first season game starts the 24th (August) against Norwayne. He advised if it (the street) wasn't open (in time) they (city) better figure out how they were going to park those people because he looks for a big crowd at that game.

Simpson advised he is fairly confident it would be open as the pavement should be down prior to that (date).

Hanlon advised he thought the first home game was the 31st.

Russell advised they moved the date (up) and the first four games are going to be at home.

Council Member Steve Johnson thanked everyone for coming. He thanked Chief (Sweigert) for the good fireworks display. Johnson advised it was a real nice job that the fire department did and he knows it was a lot of work into it. He congratulated John (Laria) and advised the new dealership was taking shape and looks nice and it was going to help the city and he appreciated it.

Council Member Richard Lapehn advised he wanted to compliment Chief Baillis for that as well for the honor of going to Washington D. C. and as far as the citizens are concerned there is no expense to the citizens of Rittman and he will bring back some knowledge and information that we don't have to help us with grants and procedures here in the city and it would be a big benefit to us and our tax dollars. He advised he wanted to compliment Larry Boggs for all the property maintenance reviews he has done and made us aware that the county has money for tearing down homes. Lapehn advised Larry has really kicked in the property maintenance to make it known that neighbor's concerns are being heard and the city was reacting promptly to see what could be done to keep the neighborhoods as nice as possible.

Council Member Rick Hanlon thanked the fire department for all the work they did with the fireworks and making the Sleepwalker special this year.

Chief Sweigert advised the fireworks cost approximately \$15,000.

Mayor William Robertson indicated when he responded to an email he received where someone was volunteering to help raise funds for next year regarding the fireworks and how much money it cost he didn't hear back. He advised the ribbon cutting ceremony was held at the Rittman Hardware on Saturday, August 11th and he hoped everyone would support it as people have been begging for a hardware store for the last 6 or 7 years.

Approval of Vouchers 57359 thru 57534 and 57648 & 57649 and Memo Expense #'s 120601 thru 120609 and 120706 thru 120711 w/Then and Now Certificates Hanlon moved to approve, all Yeas on roll call and **motion carried.**

Adjourn: 8:13 p.m.

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

Mayor

Clerk of Council