Rittman City Council Met in at
ANNUAL ORGANIZATIONAL MEETING
on Monday, December 3, 2012 at 7:00 p.m.

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

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

Motion to Appoint G. Kevin Bower as Law Director for a One Year Term
Johnson so moved, all Yeas on roll call and **motion carried.**

Motion to Appoint Barbara J. Brooks as Clerk of Council for a One Year Term
Carey so moved, all Yeas on roll call and **motion carried.**

Oaths of Office

a. **Law Director** – G. Kevin Bower
b. **Clerk of Council** – Barbara J. Brooks
The oaths of office were administered by Mayor William J. Robertson

Approval of Minutes – November 12, 2012
Carey moved to approve, all Yeas on roll call and **motion carried.**

Approval of Minutes – November 19, 2012 (Special Mtg.)
Hanlon moved to approve, all Yeas on roll call and **motion carried.**

Workshop

a. Discussion of the Water Tap-In Fee for the Eastern Road Church of God

Pastor Cole thanked Council for not coming to a decision regarding this matter at the last meeting. He advised he would like to commend the Council in their efforts in striving to maintain consistency regarding their decision making for all the churches here in Rittman. Cole advised he has never been an advocate of favoritism and having favor given to one over another. He advised with that in mind he would hope the same judgment passed tonight would be the same judgment passed for all future churches. Cole advised he would pray it would be to the benefit of all. He advised he is a believer of consistency and he noticed from the article in the paper that might be an issue and he felt it best for him to explain. Cole advised he believed it would be consistent for this Council to waive the $1500 charge and he also believes that sometimes change has to be made for the better. He advised he felt it was a positive thing to waive this $1500 fee for a couple of reasons. Cole advised number one is that they (church) did all the work with hiring licensed contractors. He advised they didn't really hook in to the city waterline, but hooked into an existing service line, as a temporary situation until water was made available in front of the church. Cole advised they ran over 850' of line and spent almost $40,000 in the purchase of some Main Street frontage in order to have an area to run the line. He advised the purchase of that land still did not allow them to hook in to the city utilities. Cole advised they (church) are (supporters) of the community as over 10% the community here in Rittman come each and every month to their food pantry. He advised sometimes it was as many as 700 people in one month. Cole advised last year almost a quarter of a million pounds of food was distributed to Rittman families and they are so thankful to be able to be a part of that (program) and reach out to this community. He advised there was no fee involved with their food pantry as there are with some others. Cole advised it was getting harder and harder and harder to get food because of the economy. He advised they are looking to be a part of Rittman even though they have a neighbor or two who refuses to sign to (agree) to annex. Cole advised they signed once and they would sign again and they will become a part of you (Rittman) because we already feel like we are a part of you. He advised they pour their heart and soul into Rittman. Cole advised unfortunately for the Rittman school system they have children (from Rittman) who attend their school, but often times they students they receive are students who are already lost in the system. He advised they received a student a few years ago who was entering the 8th grade for the third time and he would soon be 18 and on the street with no diploma. Cole advised they were able to put this student into their GED program for 2 years and they have been able to issue over 100 GED's mostly from the community of Rittman. He advised they are believers in Rittman and he is asking for them to consider this (waiving of the

tap-in fee issue). Cole advised it was his understanding of the other (entity) charged that it was not the church, but rather the nursing home which is a totally different situation because of the 24 hour service offered and what it cost the city to get that service to them (Apostolic Home). He advised the only it cost Rittman was the meter being dropped off to us. Cole advised they (church) did all the work and paid for everything after having to buy the land they really didn't want to buy yet, not in a bad economy. He advised that was where they stand and he was available to answer any questions and he feels like they are already a part of Rittman. Cole advised they don't think of themselves as outsiders and even on their website, he said, it states the Rittman Church of God. He advised they were believers in Rittman and they are believers in this community and we like to think they've played a role in helping the less fortunate in this town and they will continue to do so. Cole advised they have plans to build another 60' building on the back of the current food pantry for additional space and they now have CISCO as an annual sponsor of the food pantry. He advised so, they were looking to grow and they need their (city's) help and it really exhausted their (church) funds in this bad economy to raise all that money and they thank God they were able to do it in three weeks. Cole advised they (church) needs (the city) to help if at all possible.

Councilman Carey clarified they (the church) bought land from Mr. Bradford that attaches to the back of the church property and fronts on Main Street.

City Manager Boggs indicated there is still another parcel in between the city limits and the lot that the church purchased that is owned by Bradford. He indicated they are not yet contiguous to be able to annex. Boggs advised the house on Main Street (at the corner of Eastern Rd. on the east side of Main Street) is inside our city limits and the (property) across the street (west side of Main St. on the corner of Eastern Rd.) is the one that ran the service line because his well went dry and the church tapped into that service line. He advised we (the city) do not have a waterline in front of that (corner of Main and Eastern on the west side of Main) property and due to the well going bad on that property they had to tap into that service line. Boggs advised there are quite a few property owners in that area who have stated verbally that they would annex, but they would create an island (because the contiguous properties have not yet agreed to annex).

Councilman Hanlon inquired as to what size service line.

Boggs advised he believed it was 1½".

Cole agreed he believed it was 1½". He advised they had an engineer check it out to make sure it was okay. Cole advised they would have come to the city first, but they ran into a dilemma where they had to have water. He advised they would like to have a bigger line as the church only has a ½" line. Cole advised years ago when their church was built they didn't install a ¾" line, which is required now to have the automatic flush toilets in the restrooms. He advised the church is ½" and the house was ½" and the line coming to them is 1 ½" and they have had no problems. Cole advised they signed an agreement with the neighbor and they are also paying him to use and hook in to that (service line) to help them (the neighbor) recoup some of their costs. He advised they (the church) are in a position where they are just a stone's throw away from the city and he understands there are legal aspects, but if other churches build (just outside the city limits) then tonight would be an opportunity (for Council) to say what they offer to such churches to help them out this one time. Cole advised in the future if another church should decide to build that close (to city limits) he felt it would be a positive to do it again. He advised they (the church) tried to make everything easy so they didn't have to trouble anybody much. Cole advised their contractor did the work and it was inspected by the city and everything was approved and in working order. He advised the city had the church put a separate disconnect valve so if a bill isn't paid by one the water can be shut off and not interrupt the service of the other. Cole advised we are at your mercy today and with going into the holidays they would be feeding 700 people in December and they are putting their funds and efforts into this food pantry and they were asking (Council) to waive the $1500 tap-in.

Hanlon advised they had several questions from the last meeting. He advised they didn't know if they would be waiving the commercial rate or the residential rate.

Cole advised it was a residential meter that was installed because it is a residential ½" line. He advised all they have are toilets.

Hanlon inquired as to what size line they have from their church to the 1 ½" line. He inquired if it was ¾" copper line.

Cole advised that is a good question. He advised it was approved whatever it was and he apologized, but as a Pastor he was not aware that would be one of the questions asked of him.

Boggs advised he thought it was the same size as the one they tapped into, but he was not 100% sure. He advised the city does not normally do the manually labor for a tap-in such as this. Boggs advised normally the work would be done by a private contractor. He advised usually a tap-in fee is a fee that helps pay for that line (to be installed).

Hanlon advised they tied into a 1 ½" or 1 ¼" line that is a service lateral, but not a (city) water line. He advised he didn't believe there was a tap-in fee pay.

Boggs advised maybe one of the options Council might consider was waiving the tap-in fee until there is an actual (city) water line (installed).

Hanlon advised if a water line would ever go through there he felt at that time a tap-in fee would be involved, but he didn't see it in this case.

Cole advised at this juncture he would be happy with that (decision) if it became a motion or a unanimous or however you are required to have that simple majority. He advised eventually they have plans if a full line comes to them to they have plans for a new 15000 sf facility. Cole advised they understand they will need to have adequate water for that (expansion). He advised they felt this (tie into a private service line) is a temporary situation and he was remaining positive that they are close to annexing as there was not one family member who is not willing because everybody (property owners in that area) is having water problems. Cole advised their (the churches) neighbor put in a new septic a few years ago, but their well is failing now and have talked to the office at City Hall. He advised that is where they stand as of now and they have a desire to be a part of you (Rittman) and if we can get this other family to agree then, they would like to eventually see an annexation. Cole advised they (the church) have six paid employees and it is a positive thing to see growth in the city. He indicated they have had families actually move to Rittman as a result of attending their church and driving here from other communities and those are positive things.

It was noted, Council would be voting on this issue later in the meeting under "New Business".

b. <u>Discussion of the Douglas Drive and South Fork Street Assessments</u>

Boggs advised he wanted some assistance in determining how they (the city) were going to handle the overages (for the total project costs) now and in the future. He advised on Douglas Drive there were some small base road problems and the project ran over (cost estimates) as originally quoted to the affected property owners. Boggs advised initially they were excited regarding the South Fork (street improvement) project because the low bid came in well under the estimate, but then they ran into base road problems and Council had to pass quite a few pieces of legislation (amending) that. He advised when they ran into these problems they wanted to do the right thing and repair the road. Boggs advised if he was remembering correctly he believes this (south fork street improvement) project came in approximately $130,000 over the original estimate and he wanted to find out from Council if they wanted to pass on (the additional cost) to the homeowners or the city pay a portion of the overage (sharing it between the city and the homeowners) or "eat the cost" of the overage (with the city paying all the unplanned additional costs). He advised he is concerned because they (Council/city) could be setting precedent. Boggs advised normally they estimate (the cost per linear foot for the property owners in their notification of the project letter) higher than the projected cost and (historically) they have been able to come in under (those figures). He advised this is the first time in his career that they have gone over (estimates) like that and there could be another one and that was something to think about when (Council) makes their decision. Boggs indicated blanks were left on the ordinances for Council's consideration that can be filled in according to the decision of this board.

Hanlon inquired as to what were the overages for the Douglas Drive project.

Boggs inquired of Rissland if she remembered off the top of her head.

Rissland advised not for Douglas, but she was going to say for South Fork the estimate was based on $270,000 and it was bid at $207,000 and then ultimately it came in at $344,000.

Hanlon advised his question wasn't the dollar amount for Douglas, but rather the reason for the overage.

Boggs advised base road problems.

Hanlon advised that was a concrete road.

Boggs advised there were base road problems underneath the concrete.

Hanlon advised he thought the reason they were replacing the road was because of the undermining and he thought that was to be expected and the whole purpose of the project.

Johnson advised he assumed they had an engineer look at it and he inquired if any core holes were drilled.

Boggs advised they didn't hire an engineer on South Fork project, but estimated the repairs with a (10%) contingency. He advised they didn't do any test drilling on that project. Boggs advised there was an engineer on the Douglas Drive project because it also was a waterline project and he couldn't say for certain if test drills were done on Douglas.

Hanlon advised he didn't believe they were doing the testing on the repaving.

Boggs advised it may pay for itself to do those tests in the future.

Johnson advised in the memo he (city manager) commented that Council could either "eat it" (the city pay the additional costs) and it would slow us down next year until we caught up.

Boggs advised obviously with that amount of money was coming out of the city's budget one year or another. He advised the city already paid for it (upfront), but not getting a return on that money (when the property owners reimburse the city for their share) and they city won't have as much funds to work with (if the city pays a greater share than budgeted) in 2013 for road projects. Boggs advised they were going to have to be very careful.

Carey inquired if we knew what projects we were looking at doing in 2013.

Boggs advised he didn't have the five year plan with him and he couldn't remember if there are any major road improvements (slated for 2013) or not.

Rissland advised there is money in there for streets, but she does not believe that any specific streets were identified.

Boggs advised he believed they didn't have plans for full (depth) repair of any street, but there would probably be some chip and seal for certain roads.

Hanlon inquired if the waterline on Douglas was put in the street or under the sidewalk.

Boggs advised it was put under the sidewalk.

Hanlon inquired if was under the sidewalks on both sides or put on one side and then jog over.

Boggs advised he believes it jogs over, but the jog was more toward where the curb comes down and across and taps into First Street. He advised it was the section of sidewalk known as the battlefield was the new addition of sidewalk.

Hanlon inquired if that (sidewalk installation) was being assessed.

Boggs advised it was part of the project, but was not being assessed individually.

Hanlon inquired if the school would be assessed for that sidewalk. He advised he was surprised to see a sidewalk there as he thought if there was a waterline under there it would be returned to grass.

Boggs advised it was planned for a sidewalk as part of the project. He advised they (property owner) are being assessed for the frontage of the street. Boggs advised the waterline is being paid for by the grant.

Hanlon confirmed the cost of the street was being assessed.

Boggs advised yes, but it doesn't include assessing specifically for the sidewalk.

Hanlon inquired if the homeowners who are paying for the street get assessed for the sidewalk.

Boggs advised it was part of the project.

Robertson advised they also got all new sidewalks.

Hanlon advised but they were talking about assessments. He advised if they get assessed for the street and the waterline was paid from the grant he inquired if they shouldn't then be assessed for the sidewalk as well.

Boggs advised it was part of the project. He advised they needed to remember that they (the city) pay for a portion of the project too. Boggs advised he looks at it as a project area. He advised it was not being assessed the same as what they are doing on the sidewalk program itself because this was a waterline/street improvement project. Boggs advised he felt the only thing that makes this look a little bad was the other side of street because the majority of the one side is residential and that is where the majority of the waterline is (installed).

Beaumont inquired if the city has seen this situation before.

Bower advised no. He advised the closest he believes they came was some years back when West Sunset was (improved), but it wasn't as nearly a dramatic overrun as at South Fork.

Hanlon inquired since the letters were sent out with an estimated cost (per linear foot) can they go over the estimated cost letter. He inquired if so, by how much.

Bower advised whatever it is (meaning up to the actual cost to the property owner). He advised he believes it came to approximately $60,000 over (the estimate).

Boggs advised (the letter) states it is an estimate.

Johnson advised this is the first time since he's been on Council that he can remember that they haven't been at or under (the estimate) and he is inclined to "eat it" (the city pays the overage) and be a little more careful in the future. He advised he knows they are setting a precedent, but he felt it the estimate is not good they would get more complaints from the residents in the future when we have (assessment) projects. Johnson advised he felt they should always err on the side of being fair and maybe we'll drill test holes next time, but live and learn.

Beaumont advised he would say if they are going to set a precedent that this was a good example where we have one street that is a little bit over (the estimated cost) and one that is quite a bit over. He advised we can say we are going to take it as a case by case basis, and he feels that is what they should do. Beaumont advised he doesn't think they should say this is the city's policy, but rather take it on a case by case basis. He advised he feels (compassion) for the (property owners), but we (city) are in financial straits here and even more so depending on what happens with the recount on the (recent) ballot issue. Beaumont advised he didn't believe their money woes should decide what kind of policy they establish, but he tends to agree with Steve (Johnson). He advised it was an estimate and he believes if they took the middle ground and said it is an estimate and the (property owners) weren't going to have to pay all of it (overage). Beaumont advised the citizens (property owners) really are the beneficiaries of the (additional work performed). He advised we (city) could have chosen not to fix the area and paved it as planned and would have had to go back 2-3 years from now and fix it. Beaumont advised but, we did it the right way. He advised there is a benefit to the citizenry for doing that (extra repairs necessary). Beaumont advised he was inclined to agree with Steve (Johnson) partly, but maybe we should take the middle ground and they (city) would pay some of it, but he believed the balance of it (overage) would go to the (property owners) as part of their assessment.

Johnson inquired if he (Beaumont) meant the 50/50 split (of the overage between the city and the property owners).

Beaumont advised yes.

Mayor Robertson clarified Johnson was saying the city should pay the whole overage.

Hanlon inquired if the estimates were sent out based on the estimated cost of the project at $270,000 (for South Fork.

Rissland advised she believed so.

Boggs advised originally they sent out an estimate of $9.50 (a linear foot for the property owners portion) and the actual cost (for the property owners) came in at $15.21 per linear foot.

Carey inquired if the $9.50 per linear foot based on the $270,000 or $207,000.

Rissland advised she thought the original estimate was at $270,000 because everyone was happy when the bid came in at $207,000.

Boggs advised he couldn't answer that question until he does a little more research.

Rissland advised she didn't know what the initial cost per frontage was based on.

Robertson inquired if this needed to be decided in December.

Boggs advised it would need to go three readings anyway and this was the first reading.

Rissland advised it couldn't
be certified to the county until next year.

It was noted they couldn't suspend rules that night anyway because there were not at least 5 members of council present.

Robertson inquired if there has been enough discussion to figure out how to make the motion when it comes up (under new business).

Hanlon advised he didn't believe we (city) should "eat" the whole thing. He advised the citizens are the beneficiary like Lynn (Beaumont) said.

Johnson advised we (city) told them $9.50 a linear foot and if we added 10% then we are off 50%. He advised if he takes his car to a garage and they were off by 50% on the estimate he wouldn't be real happy.

Hanlon advised he didn't know what numbers they were looking at as $270,000 was an estimate and they always allow 10% for contingencies. He advised he didn't know if they wanted to agree to take our (city's) estimate and add 10% to it and pay the difference.

Johnson advised we told them $9.50 a foot and it's at $15.21 so, we're off by $5.71 (per linear foot).

Robertson advised the total for someone with 60' (of frontage) goes from $570 to $912.60 and that was a lot, almost double.

Hanlon advised if they add 10% to $9.50 they were at $10.45 a linear foot.

Beaumont advised he knew it is supposed to be 50/50, but he just doesn't think we should "eat" it all.

Hanlon inquired if the Douglas Drive project was over the 10% contingency.

Carey advised no.

Rissland advised she thought the bid came in at under the estimate.

Boggs advised if Council would like to table this (legislation) they could get some answers to these questions at their next (regular) meeting.

Hanlon advised this is part of the workshop so he guessed they could pass it (legislation) onto second reading and (amend) it for the next reading. He advised he thought the initial estimates (per linear foot) were sent on the estimated cost (of the total project) and then we were happy that the bid came in a lot lower than the initial estimates.

Johnson advised that is usually the way it is. He advised usually they send out the letter based on what we think then if it comes in less people are a little less testy about it because it has come in less. Johnson advised that is the way it has been in the past.

Hanlon advised regardless if we sent out an estimate for $9.50 (a lf for the property owners share) and we go 10% over (the total cost of the project) then it came in a lot higher and they would have to pay $10.40 a linear foot now and the city pays the difference. He advised he didn't really feel they would be setting a precedent. Hanlon advised it wasn't going to help (the property owners on) Douglas (Drive) any if it went over. He advised he felt they had enough information they could move on.

Citizens Forum – No comments.

Old Business

a. Ord. No. 7739 Annual Appropriation Ordinance. An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, to Make Appropriations for Current Expenses and Other Expenditures of the City of Rittman, State of Ohio, During the Fiscal Year Ending December 31, 2013 and Declaring an Emergency. Third Reading. Ord. No. 7739 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

b. Ord. No. 7740 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Municipal Manager to Accept the Lowest and Best Bids for the Furnishing of Commodities for the Year 2013 and Declaring an Emergency. Third Reading. Ord. No. 7740 was read on third reading. Hanlon moved to adopt, all Yeas on roll call and **motion carried.**

c. Ord. No. 7741 An Ordinance of the Council of the City of Rittman, Ohio, Authorizing the Municipal Manager to Accept the Best Bids for Employee and Dependent Hospitalization, Surgical and Major Medical Coverage for a Period of One (1) Year Commencing January 1, 2013 and Declaring an Emergency. Third Reading. Ord. No. 7741 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

New Business

a. Motion to Appoint a President of Council

Beaumont advised looking at the list of previous council presidents in recent years; it would appear that it would be Mr. Workman's turn. He advised since Steve (Johnson) is serving Mr. Workman's unexpired term, he nominated Steve (Johnson) for President of Council.

Beaumont moved to appoint **Steve Johnson** as Council President, upon roll call; Carey-Yes, Beaumont-Yes, Johnson-Abstain, Hanlon-Yes and **motion carried.**

b. Motion to Appoint a Council Representative to the Recreation Center Board of Directors – Hanlon moved to appoint **Steve Johnson**, upon roll call; Hanlon-Yes, Beaumont-Yes, Carey-Yes, Johnson-Abstain and **motion carried.**

c. Motion to Appoint a Council Representative to the Planning Commission –

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

d. Motion to Appoint a Council Representative to the Recreation & Parks Advisory Committee – Johnson moved to appoint **Lynn Beaumont**, all Yeas on roll call and **motion carried.**

e. Motion to Appoint Marsha Rosenberg and Dick Gillman to the Cemetery Board for Another 3-Year Term Carey so moved, all Yeas on roll call and **motion carried.**

f. Motion to Appoint a Council Representative to the Utilities & Refuse Rate Board of Review – Hanlon moved to appoint **Darrell Carey**, all Yeas on roll call and **motion carried.**

g. Motion to Appoint 2 Council Representatives to the Firemen's Indemnity Board

Carey moved to appoint **Rick Hanlon** and **Glen Russell,** all Yeas on roll call and **motion carried.**

h. Motion to Appoint Howard McComas and Tim Anderson as Board Members and Gary Larch as a Community Representative to the Firemen's Indemnity Board for Another Term Respectively Hanlon so moved, all Yeas on roll call and **motion carried.**

i. Motion to Appoint a Council Representative to the Rittman Community Improvement Corporation – Carey moved to appoint **Steve Johnson** and **Rick Hanlon**, upon roll call; Beaumont-Yes, Carey-Yes, Hanlon-Yes, Johnson-Yes and **motion carried.**

j. Motion to Remove from the Table the Motion to Waive the Water Tap-In Fee for the Eastern Road Church of God, which is Outside Rittman City Limits. Johnson so moved, all Yeas on roll call and **motion carried.**

k. Motion to Waive the Water Tap-In Fee for the Eastern Road Church of God, Which is Outside Rittman City Limits. Johnson advised he was agreeable since they are tied into a (service) line and are willing to pay a tap-in fee whenever the city installs a line to that area and this would help them out in the meantime.

Hanlon advised he agreed with what Steve said, but he doesn't think they are really waiving a tap-in fee, but are waiving a fee to a service lateral that we don't have a fee schedule for. He advised he didn't believe they needed to make a motion to waive a tap-in fee.

Johnson inquired if any money has been collected yet from the church.

Boggs advised no.

Hanlon advised he would make a motion that when an actual waterline goes by their property that they pay the tap-in fee. He advised but he didn't really see where a waterline is the same as tapping into the service lateral.

Robertson advised he believed the policy was to waive the tap-in fee for churches in the city limits. He advised if the waterline is run out there they will be part of the city at that time.

Hanlon advised it was his understanding that what they did on Krabill or what Council did at the time on Krabill (Life Tabernacle Church) as he doesn't think he was on Council at the time was they reduced the cost of the tap-in fee from the commercial rate to the residential rate.

The clerk advised churches are only charged the residential rate.

Bower advised churches have always been residential.

Hanlon advised he thought the church on Krabill came to Council and said that with both water and sewer it was going to be about $30,000 and Council made a motion to charge them the residential rate (for the tap-in) and not at the commercial rate.

The clerk advised she would have to look back at the file.

Boggs agreed they would have to look.

Hanlon advised he believed that was Council's last decision on a church to waive the commercial fee and charge the residential. He advised you can go back and check, but at this point they are tied into a…they were not tied into a waterline. Hanlon advised he didn't believe there was any reason to make a motion, they just didn't charge them.

Boggs advised he didn't know that they had to vote on it because it was really not a tap-in to your waterline so, since there is no (fee) schedule for that (tap into a service line) he would suggest not charging them (Eastern Road Church of God).

Hanlon agreed and advised he would say let's not make a motion because…

Carey advised if we ever do run a line out there and the whole area would be annexed…

Rissland inquired as to who owns the lateral, doesn't the homeowner.

Boggs advised yes, the homeowner owns the lateral and he indicated an agreement was signed between the parties involved. He advised Cole was told upfront that we (city) do not control that service line and it was not up to us (city) to allow you (church) to tap into it.

Hanlon advised we can't charge a tap-in fee on a line we don't even own, but he didn't believe they need a motion to waive anything.

Motion Withdrawn.

Robertson inquired if they wanted to make a motion to charge should…or did they want to leave it up to future Councils.

Hanlon advised he'd leave it up to future councils.

No further action.

Hanlon inquired if a waterline is run by his (church) building would he (Cole[or current owner]) be at that time required to tie into that waterline that the city owns.

Bower advised he doesn't think so, why would he as he has water now and there was no incentive.

Johnson advised the only incentive would be if he (Cole) decides to build the addition because he would need (items) that he doesn't have that are part of the code now.

Hanlon inquired as to what about the service line that the neighbor has tied into our (city) line. He inquired if it would ever be abandoned.

Boggs advised he couldn't answer all the legal questions of course and we don't have an agreement with the original owner, but he (property owner neighbor to the church) was in dire straits because his well went dry and it was cheaper for him to run that service line that distance to our waterline than it was to drill a new well. He advised he would think that if we (city) ran a full blown waterline there with a hydrant then he would think that they would abandon that service line. Boggs advised they would obviously then have better (water) pressure tapping directly into a (city) waterline than a service line. He advised he was very concerned about the church on the pressure issue alone about just tapping into the service line plus the reduced pressure for the neighbor who ran the service line. Boggs advised according to the church they only have a couple restrooms and sinks so there wasn't that much water usage. He advised it wasn't any concern to him (Cole), but he brought it up to him a couple times during discussions regarding the pressure that the city wouldn't have any control over that pressure if there is a problem.

Hanlon inquired if they have a City of Rittman water meter.

Boggs advised yes, they have a water meter and they have a shutoff valve.

Hanlon advised until they annex they would be paying the out of town residential rate.

Boggs advised yes.

Beaumont inquired when the Rittman City Schools were built if the tap-in fee was waived.

Boggs advised yes.

Beaumont inquired as to what was the difference here as he was (also) a school.

Boggs advised the ordinance doesn't give him any provision to waive the fee so that is why he brought it to Council.

Hanlon advised essentially we were waiving the $1500 to tap into his neighbor's waterline.

l. <u>Ord. No. 7748 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Levying Special Assessments for the Douglas Drive Improvement Project by Planing and Milling the Existing Asphalt Surface, Altogether with the Necessary Appurtenances Thereto. First Reading.</u> Ord. No. 7748 was read on first reading.

Mayor Robertson inquired if Council wanted to put a percentage in or leave it blank.

Rissland inquired if we could leave it blank.

Bower advised you can.

Hanlon advised he would rather just delete that line.

Beaumont inquired as to why and advised we have to address that issue at some point.

Hanlon advised he believed if they delete the line then the problem is solved.

Beaumont advised if they (property owners) are going to pay it all (of their share of the project). He advised if they (property owners) aren't going to pay it all (of their share) then, that was the purpose of the line.

Hanlon advised for the extra cost and if that line was deleted the city doesn't pay the extra cost.

Beaumont advised someone had to pay it.

Hanlon advised it would be assessed to the homeowner's. He advised we are under the 10% (for contingency).

Boggs advised he didn't believe that was just the overage, but the entire cost (of the project).

Bower advised it says the excess cost of..

Hanlon advised it says the excess cost above the estimated would be paid for by the city. He advised delete that line problem solved.

Bower advised either delete it or put zero in the space, same thing.

Hanlon inquired what if the figure of 10% was used, if such cost wasn't over 10%.

Beaumont advised either we (city) is going to pay it all (of the overage for the property owners portion) or they (property owner) are going to pay it all or we're going to divvy it up. He advised so that is what goes there (on the blank) and what goes there is what the city is going to pay. Beaumont advised he is kind of sensing they don't have an agreement here.

Carey advised if you put 10% in there then that would mean that 10% above the estimated cost is going to be paid by the city.

Hanlon agreed.

Carey advised we don't want to put 10 in there because that means that the city pays the 10%. He advised he felt they either needed to put zero or delete the line.

Beaumont advised or we agree on a percentage ie 50% or 90%. He advised he really doesn't have a problem with us (city) paying 90% of it (the overage).

Johnson advised he believed they needed to be consistent between these two projects since they are at the same time.

Hanlon advised the estimate was on a lineal foot based estimate, which Douglas (project) did not go over the 10% (contingency) per lineal foot, whereas the South Fork project did.

Beaumont advised we just have to put in a percentage of the overage that the city was going to pay. He advised it doesn't really matter they just have to plug a number in there.

Hanlon advised that was why he suggested 10%.

Beaumont advised it has to be 90%.

Carey advised if they put 10% then anything outside of the 10% then the homeowner pays the remainder above that (amount) to be paid by the city.

Hanlon the 10% excess cost above the estimated assessment shall be paid by the city.

Carey advised he didn't believe that was what he wanted to say.

Johnson inquired if they were talking about 50% of the project or were they talking about linear feet here.

Robertson advised you (Hanlon) calculated out the homeowner fee at 10% so, the city would pay 90% of the overage.

Beaumont advised he would make a motion to put 90% in the sentence in question.

Hanlon advised he doesn't believe 90% works either.

Carey advised what that would mean was that the city was going to pay 90% of the overage of Douglas even though it was less than 10% of the increase.

Beaumont agreed and advised whatever it is, it is. He advised it is a percentage and percentage is the excess.

Johnson advised as long as we are consistent in the percentage we are giving.

Rissland inquired if they could put, *"The City shall pay 90% of any excess over the estimated assessment."* and then she felt it would be clearer.

Beaumont advised he didn't know if that was really necessary.

Rissland advised she felt they had to turn it around to make more sense.

Hanlon inquired if it could be cleaned up when we go to second (reading). He advised he felt they were all saying the same thing.

Rissland inquired *"90% of the excess cost"*.

Carey advised the homeowner would have to pay 10% of the excess and the city was paying the difference.

Beaumont moved to amend and place 90% on the blank line and it would read *"90% excess cost above the estimated assessment shall be paid by the City."* and advance to second as amended, all Yeas on roll call and **motion carried.**

Bower inquired as to what he (Hanlon) wanted it to read as he said he wanted it cleaned up.

Rissland advised "90% of the excess cost" and inquired if that made more sense.

Carey advised "90% of the excess cost above the estimate shall be paid by the city". He advised that sounded better.

Rissland advised that makes more sense.

m. <u>Ord. No. 7749 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Levying Special Assessments for the Improvement of Strawberry Hill, Cutters Landing, Windswept, Pebble Cove, Driftwood, Jasmin, Hawk Ridge, Windsor Mews and Wilers Grove by Planing and Milling the Existing Asphalt Surface, Altogether with the Necessary Appurtenances Thereto. First Reading.</u> Ord. No. 7749 was read on first reading.

Carey inquired if we were sure that the estimates we sent out were based on $207,000 and not $270,000.

Rissland advised she doesn't believe so.

Boggs inquired is she said she doesn't think so.

Rissland advised she thought the estimate was based on the higher number because we had people calling and saying since the bid came in lower asking if they would pay less. She advised she believed that $207,000 was the bid.

Hanlon advised right.

Carey advised so if the estimate went out at $270,000 then the difference is only $74,000. He advised we need to find out for sure what that number is supposed to be.

Hanlon advised we can delete it and go with what was used on Douglas Drive. He advised he guessed he would rather see the language say that the city will pay any overage above 10% rather than the 90%.

Beaumont advised let's not revisit that.

Hanlon advised he felt it makes more sense than counting backwards. He advised basically that was what we were saying that the estimates were sent out and they will pay 10% over the estimate and the city will pay anything over that 10%. Hanlon advised if we start counting backward then the homeowner could ask if the city was going to pick up the first 90% and they would take the last 10%.

Rissland advised she believes that what he (Hanlon) is saying is for example if the overage is $10,000 and we (city) say we are going to pick up 90% of it then we (city) are going to pay $90,000. She advised if the assessment is $300,000 then 10,000 isn't in excess of the 10% so, we would be saying we are going to pay that whole excess even though it was only a few percentage over. Rissland advised it comes up with a different number.

Hanlon advised we need to use a different percent.

Carey advised he would think they have a minimum and maximum and we have to make sure that you do that correctly so that the homeowner can't take 10% on the estimated cost.

Hanlon advised right.

Rissland advised yes.

Hanlon advised they can't count backwards.

Carey advised the city would pay for anything over 10% above.

Hanlon advised we (city) will pay all costs above the 10%.

Rissland advised over and above 110% of the original estimate. She inquired if that would work.

Carey advised that sounds right. He advised if it (the original estimate) was $270,000 then 110% is $297,000 so then, (in this instance) anything above $297,000 the city will pay and they (property owners) pay the rest.

Rissland advised yes. She advised she was just thinking of trying to certify when she signs off certifying it to the county that it be done right.

Carey advised yes, we have to make sure we do it right.

Hanlon advised they (property owners) were sent a letter stating it would be $9.50 a linear foot.

Carey advised so they (property owners) are going to end up paying $10.45 (per linear foot) and the city would pay the rest.

Hanlon advised correct.

Carey advised how about if they put in there that it (cost per linear foot) was now going to be $10.45 and the city would pay the rest.

Hanlon advised there was no language in here (legislation) that says the $9.50.

Robertson advised this ordinance is addressing the overage.

Rissland advised no, this is our assessing ordinance.

Hanlon advised this is the assessment ordinance.

Carey advised this is the assessment part, the special assessment, this is the cost.

Hanlon inquired if we needed a dollar amount in there because it is the assessment ordinance.

Rissland advised she didn't believe that was the right dollar amount. She advised that would be something else to say because it is talking about the amount of special assessments. Rissland advised those aren't the amounts of the special assessments. She advised those are the total project costs. Rissland advised she was concerned about that also.

Carey moved to amend and the same 90% language and advance to second as amended, all Yeas on roll call and **motion carried.**

n. **Res. No. 7750 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Finance Director to Request Advance Payment on Current Collection of Real Estate Taxes Due of Said City from the Wayne County Auditor. First Reading.** Res. No. 7750 was read on first reading. Johnson moved to place on second, all Yeas on roll call and **motion carried.**

o. **Ord. No. 7751 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. First Reading.** Ord. No. was read on first reading. Carey moved to place on second, all Yeas on roll call and **motion carried.**

p. **Res. No. 7752 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Finance Director to Make Advances and/or Transfers To or From Appropriate Accounts. First Reading.** Res. No. 7752 was read on first reading. Carey moved to place on second, all Yeas on roll call and **motion carried.**

q. **Motion to Accept the Retirement of Barbara Rissland, Finance Director Effective December 31, 2012** Carey so moved, all Yeas on roll call and **motion carried.**

r. **Motion to Offer an Employment Contract for the Position of Finance Director.** Johnson so moved, upon roll call; Carey-Yes, Beaumont-Yes, Johnson-Yes, Hanlon-Abstain and **motion carried.**

s. **Motion to Set a Special Meeting for Thursday, December 6, 2012 at 6:00 p.m. for the Purpose of Conducting the Financial Business of the City Before the End of the Year.** Boggs indicated since there wasn't at least 5 members of Council present to suspend rules and he advised Council needed to hold a Special Meeting before the end of the year to be able to pass (Res. 7750, Ord. 7751, Res. 7752) the financial legislation. Discussion by Council ensued as to when they could meet and have enough members present to suspend rules and adopt the legislation needed before the end of the year. Hanlon so moved, all Yeas on roll call and **motion carried.**

City Manager's Remarks

City Manager Larry Boggs advised they were finally notified today from the Wayne County Board of Elections of a date and time of the recount for the ballot issue (regarding the reallocation of income tax money going to the water fund to now go to the general fund). He advised the recount would be tomorrow (12/04/12) at 9:00 am for Medina County Board of Elections recount and Wednesday (12/05/12) at 9:00 am for Wayne County Board of Elections recount. Boggs advised he and Kevin (Bower) planned on attending the recount in Wayne County.

Finance Director's Remarks

Finance Director Barbara Rissland thanked Council for the opportunity to serve the city. She advised it looks like it was a good thing we did go ahead and reduce the credit (given for what residents pay income tax to other cities) as Wooster is placing legislation on to increase their tax rate from 1% to 1.5%. Rissland advised they (Wooster Council) is talking about it tonight and are looking at that legislation. She advised that (reduction in the credit given for Rittman residents) at least would help soften the blow of this ballot issue going down to have that in place.

Council Remarks

Council Member Lynn Beaumont advised he would like to tell Barb (Rissland) how much he appreciated sitting beside her and the real expertise she brought to the city. He advised he doesn't believe any of them knew what a five-year plan was until she showed up. Beaumont advised her professionalism is really appreciated by him.

Council Member Steve Johnson advised he would like to reiterate those comments. He thanked Barb (Rissland) for her reports and everything sent were excellent and were made easy for him to understand and she had a lot of good ideas and he appreciates that. Johnson advised we are constantly looking at numbers and she made them easy to understand and he appreciated that.

Council Member Darrell Carey advised he would also like to reiterate the other two (Council Member) comments. He advised he would like to give kudos to Police Department for actually receiving a "we did a good job" letter (from a citizen) for once instead of the other way around.

Council Member Rick Hanlon congratulated the Fire Department and the Police Department "for putting someone's feet out of the fire, I guess". He advised he called Larry (Boggs) earlier this week and asked him to send someone down to the end of Metzger where the storm drain was covered over with gravel and you couldn't even see the storm drain anymore. Hanlon advised also he asked

them to come up with and have Dave or someone come up with a preventative maintenance schedule. He advised clearly it doesn't make sense to wait until we have a storm to find out that there are things clogging them up and creating problems. Hanlon advised he hoped they would get that done over the next year.

Boggs inquired if we got it unplugged.

Hanlon advised yes, it was unplugged. He advised he would like to see some type of preventative maintenance schedule at least once (year). Hanlon advised some kind of rotation schedule to go out and look at these things to verify there isn't a problem rather than (waiting until) the residents call and complain after they are flooded. He advised that gravel had been there for some time as it was obvious the water was running right over the curb and down into the gully.

Mayor William Robertson advised the Fire Dept. has their (annual) breakfast with Santa this Saturday (12/08) and it starts at 7:00 am and Santa will arrive at 9:00 am. He advised the safety forces are collecting toys and canned goods and money at the (shopping center) parking lot this weekend. Robertson advised on Dec. 11th they were doing Christmas present wrapping at the Presbyterian Church and on Saturday the 15th they are doing deliveries, if anyone had a truck or a van to help with deliveries. He advised there were over 270 last year and they could use your help delivering that stuff until about 8:30 Saturday morning and it was 7:00 pm Tuesday night at the Presbyterian Church.

a. <u>Approval of Vouchers 57912, 57980 thru 58049 and Memo Expense #'s 121104, 121105, 121108-121110 w/Then and Now Certificates</u> Hanlon so moved, all Yeas on roll call and **motion carried.**

<u>Adjourn: 8:29p.m.</u>
Johnson so moved, all Yeas on roll call and **motion carried.**

_____
Mayor

_____
Clerk of Council