

**Rittman City Council Met in a
REGULAR MEETING
Monday, March 28, 2016
7:00pm**

Members Present: Brian Smith, Ken Park, Darrell Carey, Dave Williams and Steve Johnson

Members Absent: Rick Hanlon

Presiding: Mayor William Robertson

The invocation was given by Barbara Brooks, clerk followed by the pledge of allegiance.

Approval of Minutes – March 14, 2016

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

Hanlon arrived at 7:06 p.m.

Workshop

a. Discussion of the USDA Loan Refunding by Baird Financial Group

Finance Director Keener introduced Mike Burns of Baird Financial Group to discuss the refunding of the USDA loan in the Sewer Fund.

Mr. Burns gave a presentation and distributed several handouts regarding options for refunding the USDA loan. He provided some historical data on the interest rate environment and he indicated they were currently very low. Burns indicated the current outstanding USDA loan is callable and that means that it can be paid off at any time with no penalty. He advised once a bond is callable there was really no reason not to refinance it. Burns advised 5.152% is what they were currently paying on that loan down to approximately 2.8% conservatively. Burns presented 2 scenarios based on his conversation with the Finance Director for two 10-Year Terms, one with no cash contribution and one paying \$200k on the principle assuming a 2.8% interest for a total cash savings of approximately \$263,744 and 3.00% interest with a cash savings of \$488,819 respectively with a final maturity date of 2025. Mr Burns then presented 2 options for 12-Year Terms using that same contribution analysis and assuming a 2.88% interest after all fees are included for a cash savings of \$238,092 and 3.04% interest paying \$200k cash contribution for a total cash savings of \$468,779 with a 2027 maturity date. Burns advised his cost would be approximately \$10k and he was not paid until everything was finalized. Burns reiterated the savings the city realized when the previous refunding was accomplished in 2014, which was approximately \$137,518 at 2.24%. He indicated his job was to collect the quotes from the various banks and help determine the best course of action for the city in regards to refunding of municipal bonds. Burns advised he felt the bigger question was not so much whether or not you should do the refunding, but rather what structure did they want to do whether it was 10 or 12 years and whether or not they would put \$200k down. He advised by shortening the term by seven years, even if they put \$200k down based on his very conservative interest rate they about break even. He indicated depending on how much stress they wanted to place on the sewer fund each year might determine their course of action. Burns advised he is a big fan of "Cash is King" especially in a low interest rate environment and he would suggest keeping as much liquid cash as possible and to not stress the sewer fund. He advised with a bond retirement the city has to put a pledge in the cash reserve on the USDA loan. Burns advised there is a debt service reserve of \$76k a year so, if we refinance this loan we could do it without a debt service reserve. He advised so instead of just having that \$76k year sitting idle they could now use that reserve as part of the \$200k cash contribution so, it was only taking \$124k out of the sewer fund to come up with the \$200k. Burns advised it was a nice way to utilize the money sitting idle. Burns advised he was happy to run any scenario they would like to see and fine tune them however they want. He advised if they decide to work with him he has done numerous direct placements over the years and last year he did almost 30. Burns advised he knows how to ask the right questions of banks and how to answer them in the right way and put the silver lining on potential weaknesses as well as build up your strengths. He advised a lot of local banks don't have the software to do bonds and he can help run the numbers and make sure they are spot on. Burns advised he is available to provide advice and listen to what they are looking for and try to run numbers that fit their needs.

Council Member Darrell Carey advised where we put in the \$200k cash and it lists the total cash savings to the city of \$488k he inquired if that included the \$200k cash payment.

Burns advised that was correct.

Carey advised that was really not a cash savings then because we have already spent that money so, the cash savings was really \$288k.

Burns advised correct.

Council Member Rick Hanlon advised it is interest savings.

Burns confirmed it was interest savings. He advised they could compare the top and bottom (without and with the cash contribution). Burns advised his (Carey) thought process was spot on. He advised if you take the \$200k out of the equation then essentially they would have an additional \$15k of interest on that \$200k that you did not pay upfront. Burns advised the other part of the equation is the reserve which can't be used currently and we would be utilizing that as well.

Hanlon advised previously (2014) your (Burns/Baird) cut was approximately \$15k built-in. He advised he didn't see the numbers stating what his (Burns/Baird) cut is (with this new proposal).

Burns advised what he was asking for is \$10k on this deal. He advised it is the same amount of work, but a little smaller deal.

Hanlon inquired if he would agree that they (Rittman) have other options other than this (Baird) and it would still save them (Rittman) some money.

Burns inquired if he meant by not using him and he advised yes, you do. He advised they definitely do. Burns advised he felt his value had been shown on the prior deal where he saved the city interest savings. He advised the cash savings from the low to the high was \$147k versus \$93k and that is kind of where he comes in plus efficiency, but it was their decision.

Hanlon advised personally he would like to see it paid off in 4 or 5 years and not a 10 or 12 year loan. He advised is hoping in 12 years someone was doing something with the PCA property and we might need to expand our wastewater treatment plant. Hanlon advised he would like to get rid of this debt now while we can.

Burns advised he also ran some numbers if they shortened the term to a 5 year loan assuming the same analysis. He advised the challenge with that is the annual payment would jump up, assuming no cash added, about \$208k. Burns advised that would be about \$134k more out of the sewer fund annually to repay the debt in 5 years. He advised the savings by doing that would increase, but it adds the potential of having a shortfall in the sewer fund if another capital expense comes up. Burns advised that could limit your cash flow and your ability to get new debt because you are running kind of skim on your cash flow in the sewer fund. He advised if you put \$200k into the deal the payments would only jump up \$154k with an additional \$82k stress on the sewer fund. Burns advised the advantage would be that it would be paid off within 5 years.

Hanlon advised he felt that was what we have to look at. He advised he felt they had to look at everything being refinanced and there are refinancing charges vs. keeping the current loan and making a large principle payment every year. Hanlon advised we wouldn't be paying additional finance charges if we do it that way. He advised that is what he felt they would have to look at as a Council and ask what all the finance charges are going to cost if we do any refinancing. Hanlon advised he felt at best it was a wash if they refinance. He advised he was not in favor of refinancing.

Burns advised that was their decision whatever Council decides. He advised if they think they want to pay off the debt in 5 years, what he would suggest is doing a 10 or 12 year loan and have it be callable in 4 or 5 years. Burns advised that gives you the option to pay it off like suggested, but also limits the risk to the sewer fund of having to pay it down quicker with a larger annual payment. He advised if they were to do the 12 year term and put \$200k cash in they could still pay it off within 3, 4 or 5 years or whatever term they want and they would see \$12k a year in savings and that is after all closing costs. Burns advised they would be going from a rate of 5 1/8% down to 3.04% on the 12 year option. He advised they would still be reducing the rate by over 2%. Burns advised the 5 year option was more of a hassle to go through the refunding process just to save \$12k a year for 3 or 4 years. He advised that was a question for the Council to decide. Burns advised he wants to be a service to the city and as an advisor to Pam (Keener, Finance Director). He advised he would respect their decision either way, but he was here to provide advice.

Carey inquired if all the savings were accurate numbers with closing costs and fees already included.

Burns advised 100% correct. He advised he always shows net figures because that is the clearest way. Burns advised he estimated the interest rate and he expects that a lower interest rate would come in as he was providing a conservative estimate. He advised he included the bond counsel fee and he estimated it high and it would probably come in a little lower. Burns indicated he would rather err on the side of caution by showing worst case scenario.

Mayor William Robertson inquired if we do the 12 year option and lower the interest rate if we could still pay the \$200k on the principle toward it assuming it was callable or were we limited to just making the payments.

Burns advised it would be more challenging to pay an additional \$200k worth of principle a year because banks are not expecting that. He advised it would depend on what bank you would be using as that might be able to be negotiated, but he wouldn't count on that.

Hanlon inquired if he was asking if they have an early payoff penalty.

Burns advised you can pay the whole amount off early.

Robertson advised he was wondering if they could pay an annual installment larger than the payment amount. He inquired or would they put that money aside until ready to pay it off.

Burns advised he would relate it to a mortgage. He advised you can't really pay down your mortgage quicker as they amortize your payment, it was the same here. Burns advised you are not going to reduce your payment by paying more on the principle.

Robertson advised he didn't want to reduce the payment amount, but rather than do a 5 year term and have to pay the \$200k he inquired if we could do it for a 10 year term, but still pay the \$200k.

Hanlon advised like an additional principle payment.

Burns advised he could check, but at this point he would say don't count on it. He advised then depending on what the banks say he would get the feedback back to (Council). Burns advised he doesn't get paid until the bond closes so, if he provides something they (Council) don't like, he wouldn't say it is a waste of his time, but a cost to him and they could shake hands and hopefully work together on the next one.

Council Member Steve Johnson inquired if the \$200k contribution was the same \$200k we've been talking about paying on the principle.

Keener advised the same \$200k.

Johnson advised his concern is what our Sewer Fund balance is going to be year by year. He advised his concern is whenever the (development at the proposed industrial park) happens it was going to cost us (city) some money and we are going to need it. Johnson advised he feels they should anticipate we would have to spend some money on infrastructure and he would like for us to have that money sitting there to be used for that (purpose). He advised he wasn't sure the rest of Council agrees, but it seems to him that at some point an industry wanting to locate there is going to want some water and sewer.

Burns advised with that knowledge as a municipal bond advisor he would recommend that they don't want to use up all of their cash reserve. He advised when the time comes if they have a large infrastructure project they have a 5 year or 4 year call option, meaning they can pay it off early, they could use it from their reserves. Burns advised right now you can build up that reserve because you wouldn't be taking money out of the sewer fund and could make your sewer fund stronger. He advised depending on the cost of the project as he wasn't sure they were talking about \$200k or \$10 million. Burns advised if you go to a rating agency the first thing they were going to look at is how liquid are you. He advised they (rating agency) don't care so much about your debt they just want to know how liquid you are. Burns advised they would be looking at your General Fund as well as your Enterprise Funds especially if you were going to go for a sewer bond you need to get it rated. He advised he felt that is the part people sometimes overlook. Burns advised if you need to get a sewer bond rate they were going to look at your reserves and see how liquid you are. He inquired if they knew what kind of funds they were going to need.

Johnson advised he didn't have any idea.

Boggs advised there has been no discussion in that area.

Hanlon advised he would guess it would be a minimum of \$1 million.

Burns advised what would probably happen is you would rule that in so, the debt we are talking about now would again be refunded and combine the two especially if it is only \$1 million. He advised they may want to beef it up a bit and make it \$1.5 million in order to get a lower interest rate. Burns advised that was a little bit of "spit balling" as they didn't have all the details, but it is something to think about. He advised rating banks always look at liquidity and how healthy are your reserves are and secondly they look at your cash flow.

Johnson advised he liked the idea of a lower interest rate. He advised he doesn't want to run our fund (balance) down too low. Johnson advised it took a lot of years to get where we are and doesn't want to go back to where we were before that. He advised he would rather keep some reserves and the lower interest rate as he would hate not to take advantage of these lower rates. Johnson advised in his personal finance whenever he gets a chance to refinance for this much savings he tries to take advantage of it.

Robertson advised we are talking the savings would be relatively the same.

Keener advised it would depend on what option they chose.

Robertson advised we would have a shorter term with a lower interest rate and we would make the same payments so we aren't stressing the fund any more.

Johnson agreed and advised the 10 year term with the \$200k as we were talking about paying the additional \$200k anyhow. He advised that seems to make the most sense.

Council Member Brian Smith advised we can make it callable in 4 or 5 years and let that reserve build up in the Sewer Fund.

Johnson agreed and advised if something happens (at the UR2 property) and we need money then we've got it. He advised that made the most sense to him.

Keener inquired as to how Council wished for her to proceed at this point.

Robertson inquired if they (Council) wanted legislation drawn up.

Johnson advised he didn't see any downside on this (proposed refunding).

Hanlon advised he is opposed to it, but he is only one of 6 people. He advised he doesn't see the savings.

Carey inquired as to what is the balance in this (sewer) fund.

Keener advised \$1.2 million.

Carey advised at 2% (lower) even if you pay \$10k (fees) we would still be saving money. He advised he felt this was a no brainer.

Hanlon advised he was just saying there are other options. He advised if you dangle a carrot in front of a horse he is going to go after that carrot. Hanlon advised if you dangle 2 carrots then which one will he pick. He advised he was just saying that there are other options. Hanlon advised he wasn't saying this is a bad deal; he was just saying there are other options. He advised he felt we should look at other options before we take this one. Hanlon advised he felt we should have done that on the last one but they didn't want to listen then either as there were other options available to us on that (previous refunding), but we were only presented one option. He advised he isn't saying that refinancing is a bad deal he is just saying that there is more carrots out there so, why take the first one. Hanlon advised he doesn't believe someone will find us a deal for 1% but he is saying there are different options. He advised he didn't feel they should draw up legislation until we review some of the other options. Hanlon advised he felt we should schedule another workshop.

Carey agreed and advised we definitely need to do that.

Hanlon advised he felt we needed to pay the \$200k (principle pymnt) because we have already lost money over the past month that it hasn't been applied. He advised we have already lost \$1,000 over the past month that it hasn't been applied. Hanlon advised he isn't opposed to refinancing he is just saying there are other options. Hanlon advised we need to do something to try to reduce the debt. He advised he didn't like the idea of refinancing if they are going to refinance for a 5 year term although he would like to see the debt paid off in 4 or 5 years. Hanlon advised he wants to keep the fund strong as well. He advised he agrees with Steve (Johnson) that we don't want to run the Sewer Fund down to \$50k as that would be ludicrous.

Carey indicated they appreciated the time and effort made by Mr. Burns to come present to Council.

Hanlon concurred.

Burns advised he appreciated their time as well and part of what he does is the bidding for you. He indicated in terms of options locally, statewide and nationally they would be looking at what banks have to offer. Burns agreed there are other people out there who do the same type of thing. He advised he can tell them that on a deal this size the options may be a little more limited. Burns advised he respects their decision and he looks forward to maybe working with them in the future.

b. Discussion of a Street Improvement Levy

City Manager Boggs advised at the last meeting Council asked for what other cities do in regards to street improvements. He advised we didn't receive a whole lot of data back from some general inquiries. Boggs advised Orrville only assesses if it includes installing curbs and gutters, but not for general road resurfacing. He advised Wooster is the same (policy) as Orrville and it was mentioned at the last meeting that Wadsworth passed a levy for street improvements. Boggs advised we found out that Wellington, which is a community our size and with similar demographics, assess in the same manner that we (Rittman) do. He advised if Council wants they could try to "put out some more feelers", but he felt what they would find is if the economic base for that city or village is stable they don't assess (effected property owners) and if they have a poor economic base they do similar to what we do (assess effected properties on a lineal foot basis).

Boggs advised on another note, they provided a list motor paved streets so Council would have an idea of what that (type of improvement) costs (the city). He advised they were (applying) for CDBG funds from the state and county where we (Rittman) show our need is greater than some of the other communities (applying). Boggs advised we have a very limited low to moderate income (LMI) area and it keeps getting reduced. He advised he asked how our LMI area reduced when it seems as if there are a lot more of the low to moderate income level people in the city. Boggs advised he was informed it is based on the tax census and if someone doesn't complete the form and report their income survey it isn't counted. He advised he felt that was why we are losing more "ground" giving us limited territory (for these types of grants). Boggs advised they were asking for CDBG funds to improve Thonen, Beech and Gish Road. He advised he felt by using a 65/35 percentage cost ratio (grant/city portion). Boggs advised in talking with Pam (Finance Director) we can pay for this using our Capital Improvement Fund as well as Permissive Tax funds so, we have the money to do these (improvements) if this grant would be successful (awarded to Rittman).

Boggs advised they included the levy information from the last meeting and he didn't know what direction Council wished to go. He advised he would try to answer any questions.

Hanlon advised he indicated he has applied for CDBG funds in the past and he inquired if we typically agree to pay 25% or what percentage.

Boggs advised in the past we haven't (contributed) anything. He advised it used to be that we received an allocation generally in the range of \$23k - \$27k. Boggs indicated now you have to apply for the grant/city contribution and compete to be awarded funding. He advised the most recent one was the sidewalk (installation) on N. Seneca St. from College St. (heading north) to the dead end. Boggs advised that (project) came in at about \$55k and it was all grant, the city didn't have to (contribute) any (funding). He advised the same with N. Main St. (sidewalk installation) as that was in the area of \$60k (worth of improvement) and the city didn't (contribute) anything. He indicated he was trying to be fiscally responsible and yet competitive so as to be awarded the funding as the other communities in the

county are asking for funding as well. Boggs advised the county commissioners want to fund as many communities as they can. He advised he felt the 65/35 ratio was affordable to us (city) and helps us to get the job done.

Johnson inquired if we would be assessing Thonen, Beech and Gish (for the motor paving improvement).

Boggs advised the city has never assessed for motor paving.

Johnson advised that gets back to his original thoughts that certain people have to pay and others don't. He advised it just seemed like we should try to find a way to do it more fairly. Johnson advised the last five years of (assessment) projects averaged \$76,165 would come out to around 1.5 mills and would generate \$130k a year. He advised he felt in the long run that would be more fair to everyone because it seemed like we are 'here and there' with how we do this. Johnson advised some people are paying and some aren't paying anything. He advised on the flip side if we (implement) something like this then someone is going to be the last person on the old system and first on the new one.

Hanlon agreed and advised we have a letter from a resident on Sunset that is still paying for their sidewalk (assessment) and they will now be assessed (for their street improvement). He advised then we are talking about passing a levy, but that was up to the voters.

Johnson indicated he understood and advised he felt over the long run it would be a better system and to do away with the assessment process.

Hanlon advised his biggest concern was having Council Chambers full of (upset) people who want their pothole fixed and they aren't on the list that year. He advised the other issue was he felt we couldn't really apply it fairly once (passed by the voters) because some would still be paying on their previous assessments. Hanlon advised it was kind of hard to change midstream.

Council Member Ken Park advised we've got to make that change at some point if we feel it will be better in the long run. He indicated there would always be someone who would be paying on their assessment should the levy pass in order to make the change.

Hanlon advised it didn't really seem fair that we have never charged for chip and seal/motor paving and anyone who lives on those streets gets their street maintained for free. He advised there are a lot of streets that are concrete and we never pave those so they don't get assessed either. Hanlon advised it was all about where you choose to live. He advised even if we (placing a levy on the ballot) there are people who live on a concrete street that are never going to benefit from that tax. Hanlon inquired if those (property owners) would even vote for that tax. He advised if he lived there he wouldn't.

Park advised that was the whole idea of placing it on the ballot.

Hanlon advised he didn't know if there was any way to do a 'straw pull' to see if it was worth spending \$1,000 to place it on the ballot.

Robertson advised we tried to get input on the trash cans (change) and he indicated the feedback wasn't until after the change was implemented.

Boggs advised some of the comments he has received have been negative toward a levy. He advised one lady called and expressed her concern that she wasn't for the levy. Boggs advised he tried to explain how it would work and she said she didn't care that she would rather pay when her street comes up (for improvement) rather than pay for someone else's (street improvement).

Carey advised he had a feeling they were going to hear a lot of that (same sentiment).

Boggs advised he doesn't believe it (levy for road improvements) would be understood.

Johnson advised there are a lot of people who don't pay anything now.

Hanlon advised most of us are reluctant to change.

Robertson inquired as to how they wanted to proceed.

Council Member Dave Williams inquired if we had any historical data as far as how long we've been doing it this way and other options that are out there.

Boggs advised no.

Hanlon inquired if there were any comments of optimism or anyone for this (type of levy).

Boggs advised he felt the only thing they could do is to try to put out information on how it would work. He advised looking at it as an entire city it was probably a fairer way to do it, but if you live on a street that is concrete or motor paved they might ask why they should vote for it. Boggs advised he felt it has a lot of issues that they can't overcome. He advised that is his opinion. Boggs advised when the levy first came up for discussion he was for it, but he was hoping for better numbers to support it. He advised Council has some other options if they want to look at giving some relief to the General Fund to try to do as many improvements as possible, they could try to seek a safety levy to lift that burden off the General Fund. Boggs advised we could take the Fire Dept and Police Dept portion of it and see if it would pass versus a road maintenance levy.

Hanlon advised we have never passed a levy for operating expenses at the recreation center.

Boggs advised recreation was one of them. He advised we put a lot of money into recreation and we get a lot of complaints about the parks, but yet we don't have a tremendous amount of money to put back into it. Boggs advised on the bright side we have had a lot of volunteer organizations offer to assist with some of the maintenance, but it is usually a one-time shot. He advised we have a lot of parks to mow in the summer and it is hard to keep up and if it rains we are in dire straits. Boggs advised there are different options and it was up to Council as to what they wanted to do. He advised as mentioned

earlier the ultimate goal is to get (a business to locate) at the (proposed) industrial park and boost our economy.

Hanlon advised additional tax levies aren't pro-business.

Johnson advised he felt at this point we just try to keep assessments to a minimum. He advised because of the differential from the motor paving and if you aren't paying an assessment you aren't as concerned about it. Johnson advised he received some complaints on Liberty and Main Street when those were done. He advised those assessments are a tax.

Hanlon advised technically he didn't feel they were a tax because they receive a direct benefit from it whereas a levy would not be a direct benefit.

Johnson advised yes, but if they live on a street that needs redone every 5 years and you live on a street that doesn't...

Hanlon advised his assessment letter for W. Sunset says (an estimated) \$14 a linear foot.

Johnson advised we estimate those on the high side.

Boggs advised yes, we hope.

Hanlon advised that is \$3 (per lf) higher than the last street project estimate.

Boggs advised it is amazing with the price of oil dropping so much that the price of asphalt has maintained. He advised Council has the option, as the city has used the same policy for decades, of changing the formula on the assessments.

The city currently pays for 50% of the project and the property owners pay 50%.

Hanlon advised we could also start assessing for motor paving.

Boggs advised what he meant by his statement was they (Council) could reduce the percentage (paid by the property owners) as long as we (city) can afford it. He advised he felt it would be close (to the current percentage), but they (Council) have that option.

No further discussion.

c. Discussion of Mini Bikes, ATV's and Combustion Engine "Toys" Being Operated in a Residential District

Boggs advised he felt they needed to be careful because someone pointed out to him that lawnmowers have combustion engines. He advised one of our Council Members received a complaint regarding 4-wheelers not only riding on their own property, but on the adjacent property to one of our city parks and going into the park as well. Boggs advised that (riding on adjacent property w/out permission from the property owner and on city park property) was easy to enforce, but it sounds like it was a noise issue plus running on another's property. He advised throughout his career (in law enforcement) we have discussed this (issue) several times. Boggs advised personally he has observed it a little more closely recently and it can be very annoying as these things have mufflers on them. He advised that has been the experience in the police department as well since the way our ordinance is written if they (vehicle operator) don't (exceed) the decibel limit (there isn't much the city can do to stop it). Boggs advised in talking with Police Chief Burg, he remembers one complaint where they did go over the decibel limit and we (police) cited (the operator) in court and the judge threw it out because our decibel meter wasn't certified with the State of Ohio. He advised in his opinion and the Council Member agreed with him that we bring it up for discussion. Boggs advised his opinion is that residential properties are pretty close (to each other) to have a mini bike or an ATV running circles around their property for hours. He advised it is very annoying and he felt it was time to look at an ordinance (for enforcement). Boggs advised he didn't get a chance to study anyone else's (another communities) ordinance, but he was sure they were out there stating they are banned in residentially zoned districts of our city.

Carey advised the city that was brought to his attention by the (vehicle operator) riding around in their (own) yard and tearing up their yard. He advised they also went into the park and tore up some of the park.

Police Chief Burg advised he didn't know because we couldn't find the (property) pins.

Boggs advised we found the pins.

Hanlon inquired as to which park.

Carey advised Lincoln Park.

Boggs advised from what he heard he was sure they have gone up in there (the park property), but the consistent riding was real close to the property line.

Carey advised he told the gentleman that called currently we can't keep them from riding in their own yard.

Boggs advised right.

Carey advised however, the way in which they were riding ripped up the grass and with all the rain all the stuff ran right down the neighbor's driveway and into the street. He advised while we can't keep them from riding it currently, but there should be something to keep them from doing that. Carey advised we can't keep them from riding it, but they shouldn't be able to cause problems to the neighboring property.

Hanlon advised most of the (residential) lots in the city are small. He advised he felt they should consider an ordinance to allow the larger lot sizes to have the freedom to do that (ride these vehicles on their property), as there are probably lots in the city that are 2, 3 or 4 acres. Hanlon advised clearly anyone that has an acre or less shouldn't be doing this.

Boggs advised the other thing that was brought up is there are several owners in the city with ATV's that put plow blades on them for clearing their driveways. He indicated he felt we should incorporate the freedom to allow that action to still be permissible. Boggs advised the joy riding around the houses was what he was trying to regulate.

Park advised if we are going to put something in there as far as (lot) size and that kind of thing, and while he hates legislating anything that would keep kids from sitting in front of video games, he certainly didn't want the guy next to him riding in circles in his yard for hours on end. Park advised maybe we look at 1-hr in the evening and 2-hrs on the weekend or something.

Hanlon advised maybe a 2 acre minimum lot size.

Robertson advised he has 2 acres and he felt he could still drive his neighbor's nuts.

Hanlon advised he understood and he has heard some of these things that people complain about and yet he looks at a lawnmower as noisier. He advised the problem isn't really the noise level as much as it is just annoying. Hanlon advised the length of time more than anything.

Carey advised a lawnmower is a more of a consistent noise.

Williams advised he has 2 vacant lots near him and depending on the time of year it was either a snowmobile or a 4-wheeler or a small kid's dune buggy. He advised Saturday when he was mowing there was a small dune buggy (being ridden) and it wasn't so much of a nuisance as he was worried about kids crossing perpendicular to the road and not having harnesses or helmets. Williams advised he felt it was more of a safety issue. He advised he grew up with the understanding that if you lived in the country it was a luxury of living in the country and if you lived in town then you give up that luxury. He advised in talking with other people before this meeting it was pretty much the same consensus with them as well.

Boggs inquired if they (Council) want him to do more research and bring back something in legislation form.

Carey advised yes.

Hanlon advised those who have 4-wheelers and the like in order to get them out of town were going to start them up and load them on trucks or trailers and he would hate to see someone get a ticket because they were letting it sit and idle for 5 minutes.

Boggs advised he felt operation was operation and that is movement. He advised that would be his opinion. Boggs advised working on the motor and testing it in the garage he didn't feel would pertain unless you are outside the garage.

Hanlon advised most of the dirt bikes were the really annoying type of vehicle and not the 4-wheelers. He advised they have to warm them up a little bit before they can load them on a trailer. Hanlon advised he wouldn't suggest riding it around the house 14 times to warm it up. He advised he felt they could use common sense if a complainant called he hoped the police wouldn't write a ticket just because they are trying to get their vehicle loaded on a trailer.

No further comments.

d. Discussion of the Income Tax Filing Deadline Date

Boggs advised the Tax Administrator pointed out to him this morning that our (filing) deadline is still April 15th, but the Federal deadline this year is April 18th. He indicated some will want us to extend the deadline to be the same as the federal government. Boggs advised he felt we should 'nip this in the bud' and get Council's consensus on if they want to go with the federal (filing deadline) or keep it the 15th (of April).

Hanlon inquired if this is something that could be done by motion or did we need an ordinance.

Law Director Bower advised he believed it is in the tax code that Columbus gave us. He advised he just became aware of this tonight when he saw the memo on the chamber desks. Bower advised he felt we are stuck paralleling the federal and the state. He advised he felt it is a moot point.

Hanlon advised that would be great as he would be one of those people filing their federal return on the 18th (of April) and he can't file his city taxes until after he knows what his federal is.

Bower advised as he recalls the state legislation parallels the filing deadline with the federal government. He advised and we would be brought in like sync so, it is a moot point.

Citizens Forum

Charles Copley of E. Ohio Ave. advised he is glad they (Council) are leaning away from the (street improvement) levy. He advised he was definitely opposed to it. Copley advised there are a lot of residents in town that are on motor paved streets or concrete streets so it would be 100% extra cost for those (property owners). He advised he isn't one of those unfortunately as he lives on Ohio Ave., but he is okay with paying every 10 years as he felt that was the cost of homeownership.

Donna Pasho of W. Sunset Dr. advised she has over 200' of frontage and it (street improvement) will cost us around \$3,000 to have the street done that doesn't have any potholes. She advised Carolyn Pamer lives right beside her and she has about the same frontage as she does.

Nancy Pasho of W. Sunset Dr. advised she liked the idea of the tax (street levy) that everyone would pay although she wouldn't like to pay for her \$3,000 this year and then (start paying for the levy). She advised if they could have a moratorium for one year. Pasho advised if you drive up and down W. Sunset it doesn't look bad. She advised she felt if they waited one year to see if the levy passes and if it doesn't they would pay their share. Pasho advised she felt they should give it a chance.

Hanlon advised he hasn't looked at W. Sunset (west of) Metzger a lot, but he has two properties on the other portion between Metzger and Main Street.

Nancy Pasho advised she felt it looked pretty good.

Hanlon advised he believed it was (improved) more recently than from Metzger to Main. He advised he didn't know what that portion looks like right now.

Boggs advised the top of the hill definitely looks a heck of a lot better than down toward the bottom.

Hanlon advised he believed they were (improved) in different years.

Larry Griffin of Salt Court advised he has lived here since 1964 and his alley has never been paved. He advised also he would like to have the street light fixed that he has been talking about for the past two months and can't get that done. Griffin advised he has lived there practically all his life and he likes where he is at and he has improved his property. He advised he would just like a little something in his favor and he doesn't mind paying a little more, but he would like to see something done other than gravel thrown in the holes.

Hanlon inquired if Salt Court was gravel or motor pave.

Boggs advised he believed it was pretty much gravel now.

Griffin agreed. He advised we finally got a 'dead end' sign (installed) and it used to be a horseshoe turn. Griffin advised he believes he speaks for all those who live in this area that they would appreciate a little more (attention to maintenance issues) from the city.

Carey inquired if we are working on getting the lights fixed.

Boggs advised we just ordered them. He advised it is one of the most frustrating issues we (city) have had to deal with. Boggs advised when the contracts with Ohio Edison were dropped it became the city's problem to fix the street lights because they are our lights. He advised a while ago we bought those lights to save money and take it away from Ohio Edison who could charge whatever they wanted and now it is a maintenance nightmare. Boggs advised we replaced (street lights) in the LMI area for 3 years using CDBG funds for LED lights. He advised they looked really good when they were first installed, but the problem we've had was the LED lights from the grant had to be bid every year so we ended up with 3 different kinds of LED lights and some work better than others. Boggs advised we have actually had some LED lights fail already. He advised what we have decided to do for street lights put a certain dollar amount in the budget from the General Fund to purchase new LED lighting. Boggs advised there were some bad ones in front of the police department and we ordered some to replace those and then he believes we ordered 21 more LED street lights to fix the ones being reported as out and we have a list. He advised we don't have a lift truck so we try to wait until we have about 15 street lights that need fixed as it doesn't pay to rent the truck for one street light. Boggs advised by the time we get 15 we have a lot of irate citizens because it has been out for a long time.

Griffin clarified he wasn't irate, but he would like his street light fixed.

Boggs apologized.

Johnson inquired if they found a (bulb) they like and could specify on the bid tabs.

Boggs advised the ones we tested now are from Buckeye Electric in Wooster. He advised it is a local company and they have given us a better guarantee than we have seen from any other company. Boggs advised in talking to the representative we felt that if it is a local company we would get better service and are going to try to keep it local. He advised they have been talking to surrounding cities and Ohio Edison trying to get a used lift truck. Boggs advised we don't want to spend top dollars for a new lift truck when we need so much other equipment. He advised we just need something that is safe that can get us by once a month when we do these things. Boggs advised it is really frustrating because we go out and fix a bunch of them and it wasn't three days before we start getting calls again.

David Keifer of Sterling, Ohio advised he had a phone call recently with the Muskingum Watershed and because of the lack of response from some other organizations they told him that they would like him to set up a meeting about the old Carastar aka Urban Renewables II aka Hull & Associates property. He advised they would like him to see who should be asked to talk about that property and they even mentioned involving Morton Salt. Keifer advised it would involve the NRAC 16, which has built up a fund of over \$6 million we could access to purchase the wetlands. He advised the purpose of the MWCD is to control what goes into the waterways that run into that creek between here and Summit and Stark Counties. Keifer advised it would also involve any of the property that might be at the north end we could purchase to be a trail head for the bike trail. He advised he was interested in having some of them get together with him to discuss options. Keifer advised the deadline for the application for this NRAC 16 is in July and he would like to get together sooner rather than later.

Boggs advised we have talked about it and this may be premature, but he doesn't believe Hull & Associates is going to sell any land especially at the price he heard in the last meeting setup by Mr. Keifer. He advised it wasn't as much money as Hull might have received from a business making an offer. Boggs advised he sees that as a problem and for Hull to hang onto that (property) until some of the end results are known with the rest of the property. He advised that was just his gut feeling, but it doesn't hurt to talk to them, which they can do.

Mayor Robertson thanked everyone for their comments.

Old Business

a. **Res. No. 7932 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Municipal Manager to Enter into a Lease Agreement for Municipal Property. Second Reading.** Res. No. 7932 was read on second reading. Carey moved to place on third, all Yeas on roll call and **motion carried.**

New Business

a. **Ord. No. 7935 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 7908, As Amended, According to the Attached Sheet(s) and Declaring an Emergency. Three Readings.** Ord. No. 7935 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. 7935 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

b. **Res. No. 7936 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Amending Resolution No. 7890, Authorizing the Eastern Road Church of God to Tap into the Municipal Sewer System. Three Readings.** Res. No. 7936 was read on first reading. Hanlon moved to suspend the rules and have second and third reading. Res. No. 7936 was read on second and third reading.

Carey inquired if there are special rate for churches to tap-in.

The Clerk advised she believed we gave churches a flat rate per month (for usage), but their tap-in (fee) was not a special rate.

Hanlon advised regardless of how many bathrooms or how much water they use.

Boggs advised previously a lot of the churches didn't have meters. He advised a lot of them have meters now so that their usage can be monitored. Boggs advised the tap-in fees were the same and some of them (Council) waived. He advised this church knew about the one on DeCoursey and Krabill getting some of those (tap-in fees) waived and they were asking for a break as well. Boggs advised they (ERCOG) signed the papers agreeing to be annexed and paid for the (inside city limits rate) tap as well as a deposit for the road opening. He indicated if the church doesn't annex by the deadline then the deposit for the road opening would cover their tap-in for the difference owed for the outside city limits rate and not be refunded.

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

c. **Ord. No. 7937 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 1305.03 (b) of the Codified Ordinances, Ohio Building Code. First Reading.** Ord. No. 7937 was read on first reading.

Hanlon advised he is guessing that 1305.03 (b) exempts the City of Rittman from needing to pull any type of permit, which he is opposed to.

Bower advised yes, it would exempt the city the same as the federal government.

Hanlon advised he knows there are areas out in the country that don't have any jurisdiction for permits such as Shreve and Mt. Eaton and some in Ashland County. He advised these places don't require permits, but he wouldn't want to live in any of them. Hanlon advised he felt the way around that is to hire licensed contractors to do the work and they are responsible to pull the permits. He advised problem solved and it would be done right.

Johnson advised the current issues like the gazebo at Knupp Church that wanted stamped architectural drawings, the committal shelter at the cemetery wanting stamped architectural drawings and a donated water fountain at the recreation center. He advised he considers that harassment and he doesn't have a problem with (this legislation) and he is a licensed electrical contractor and sometimes at the building department doesn't know when to be quiet and when to speak up. Johnson advised because they (building dept.) don't have that discretion is the reason we should do this. He advised he felt it was not an issue of whether it was done right or not. Johnson advised why spend money for an architects stamp for a (committal) shelter and the Boy Scout project (gazebo) neither of which was habitable and require restrooms. Johnson advised the same with installing a drinking fountain at the recreation center.

Hanlon advised he felt there has to be some compromise, but bypassing this ordinance he felt it opens up the possibility of the building a library/city hall across the street with no permits at all.

Johnson advised he doesn't think it was going that far.

Hanlon advised that is what this is saying. He advised this is exempting the City of Rittman from being required to pull a permit. Hanlon advised he doesn't want to see a building over there with no permits pulled. He advised there is so much liability if something goes wrong because we didn't get a permit.

Carey advised that would be the library building it and they wouldn't be exempt.

Hanlon advised City Hall is going to be there.

Carey advised yes, but the library is (constructing) the building.

Hanlon advised that is one example. He advised he felt there were better ways around this issue than exempting the City of Rittman from getting permits. Hanlon advised Johnson has been a contractor as long or longer than he has and he knows the hoops they have to jump through. He advised he agreed there should be a little bit more flexibility in the county as he felt it was obvious we don't need bathrooms for a gazebo, but he felt this was a little bit too aggressive for him.

Williams advised he doesn't deal with this kind of thing every day, but he felt that it was hypocritical to expect the citizenry to get them, but we (city) don't. He advised he felt we need to set the example and that we are just as accountable as the citizens and to build it right. Williams inquired if it effects our insurance policies if we don't build a building correctly and someone gets injured and we weren't up to code.

Boggs advised he agreed with Rick (Hanlon) as he didn't want to see us (city) exempt for a building such as a City Hall or something of that nature. He advised he is talking about these trivial little projects that cost money and add extra costs.

Park inquired if we could set a dollar amount on the exemption.

Hanlon advised he is not opposed to what they are saying, but this doesn't do it.

Smith inquired if we could simply go on a case by case basis and come to Council and ask.

Boggs advised he could do that, but that would create a delay because Council only meets twice a month and once a month in the summer. He advised he would do what Council wants him to do.

Carey suggested exempting the city for such things as non-habitable structures.

Hanlon advised he liked the idea of setting a dollar limit such as \$1500 or less we would not be required to get a permit for example. He advised you wouldn't get a building or a doghouse built for that and we would still have the integrity of permits required for (bigger jobs) and expecting our residents to get permits.

Smith advised he believed that was the intent here.

Park advised and it would eliminate the need for permits on trivial stuff.

Boggs advised Rick (Hanlon) is right, it does open up everything.

Hanlon advised the biggest problem he runs into from the commercial aspect is that the permit (responsibility) is on him (as the contractor). He advised maybe Larry calls him and asks him to install an outlet and now he (as the contractor) has to deal with the county and they could require an engineer's drawings for a silly little outlet. Hanlon advised try to find an engineer who can draw up an outlet and he indicated it was more than one page. He advised we (licensed contractors) have to jump through those hoops all day long. Hanlon advised he doesn't know what the dollar value would be; whatever they want to agree to. He advised he didn't feel it would ruin the integrity of the city and make it similar to Mt. Eaton or Ashland County.

Boggs suggested \$3k, \$5k.

Carey inquired if we know how much it cost to install the gazebo.

Boggs advised Rick (Hanlon) probably knows better than he does. He advised he got involved after he found out they had so much problems with the building department.

Hanlon advised Ken (Mann) would know. He advised he just volunteered his time a couple of times. Hanlon advised he doesn't have any idea what they paid for materials.

Boggs advised he wasn't sure either. He advised he would guess in the area of \$1500.

Hanlon advised the typical rule of thumb is if it more or less than \$5k because that is what is going to effect the fee. He advised if you are doing a job for \$6k and you say you are doing it for \$3k, they (permit offices) have no way of knowing. Hanlon indicated there were a lot of variables and whether it was the total included labor and materials or if it was city employees doing the labor and providing the materials.

Boggs inquired of the finance director as to the cost of the committal shelter. He advised he was thinking it was around \$12k.

Smith advised he believed it was \$12,500.

Johnson advised he felt they should also include language stating it was non-habitable. He advised if you are installing restrooms then you ought to have a permit.

Boggs advised he agreed.

Johnson advised to him it was non-habitable and a gazebo was basically a porch.

Boggs inquired if they state it was non-habitable if that would eliminate the dollar amount.

Hanlon advised he felt they couldn't eliminate the dollar amount because then you could build a stadium with no permits.

Boggs advised the committal shelter cost \$12,500 and we hired a contractor and he (Boggs) got involved because it wasn't (moving forward with construction) and it should have been his (contractor's) responsibility to get those (requirements). He advised when he found out what they were (requiring) such as a parking lot, handicap access, restrooms then he got involved. Boggs advised he is guessing the gazebo was approximately \$1,500 to \$2,000. He advised the drinking fountain was a donation of \$500 and it cost \$900 total and we were trying to save money by doing our own install. Boggs advised we should have gotten a permit, but we had to stop the work and Ken (Mann) submitted CAD drawings and then he believed it got through. He advised but, then they (city) found out we had to get a plumbing permit. Boggs advised that (drinking fountain) was a pretty small project, but it is a non-habitable.

Smith advised that would be the reason for the non-habitable language.

Boggs inquired if they (Council) wanted him to do some more consultation with the (Law Director) and bring it back.

Hanlon advised unless they want to amend this (legislation).

Johnson advised we have buildings at the parks and ballfields and he felt it was something that would keep coming back.

Boggs advised we have a donation coming up for a handicap swing and now with all the hoopla he wasn't sure if he needed to get a permit for that to install a swing. He advised he wouldn't think so, but he doesn't know.

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

d. Ord. No. 7938 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Designating Depositories for the City of Rittman, Ohio and Declaring an Emergency. Three Readings. Ord. No. 7938 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. 7938 was read on second and third readings.

Carey advised since they are closing the First Merit bank here (in Rittman) and Huntington is not opening a branch here (in Rittman) he inquired if it would be safe to assume that these other three banks are the ones we'll be using.

Keener advised we still have CD's at First Merit so she had to include them.

Carey advised it will be a few months before they are officially closed.

Keener advised she believed the merger would take at least a year.

Williams inquired if we would need to amend this (legislation) after First Merit is gone.

Keener advised no.

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

e. Res. No. 7939 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Municipal Manager to Accept Donations and/or Gifts Made to the City. Three Readings. Res. No. 7939 was read on first reading. Carey moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7939 was read on second and third reading.

Hanlon inquired if we send a 'thank you' for these gifts/donations.

Boggs advised he usually sends a 'thank you' letter. He advised in this particular case he (donor) was complaining for quite some time to get some trees taken down that were dead and we (city) finally got them down and he (donor) called and asked if it would be okay to plant the trees he purchased. Boggs advised it is his understanding this (legislation) is a requirement by the auditor's office.

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

f. Res. No. 7940 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to File an Application with the State of Ohio, to Participate in the Community Development Block Grant Program as Administered by the Wayne County Commissioners and to Enter Into any Agreements as Necessary and Declaring an Emergency. Three Readings. Res. No. 7940 was read on first reading. Carey moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7940 was read on second and third reading.

Carey inquired if there was a reason the one street was not listed in this grant application.

Boggs advised he can't list Willow St. for CDBG funds although it is in the CDBG area, but there are only 2 houses on it so, he was told that he cannot include Willow Street.

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

City Manager's Remarks

City Manager Boggs apologized for all the coughing due to his cold.

Finance Director's Remarks

Finance Director Keener inquired if Council wished for her to go ahead and pay the current principle and interest payment as well as the additional \$200k (principle payment) for this year.

Robertson inquired if we do the refunding does it make more sense to put the \$200k down at the time of the refunding.

Keener advised she doesn't believe it matters.

Hanlon advised it really won't matter because it wasn't like you were getting a mortgage for a house and they would ask for your 20% down. He advised we don't need that additional 20% to refinance. Hanlon advised he felt the quicker you lower the debt the better. He advised we passed that motion a month ago to do it immediately.

Council Remarks

Council Member Ken Park had no remarks.

Council Member Brian Smith had no remarks.

Council Member Dave Williams advised regarding the Charter Committee meeting where they moved in section 3.08 to change from 3 readings to 2. He advised he would like to voice his concern that he would prefer 3 readings to allow the community one more chance to voice their concerns.

Council Member Steve Johnson had no remarks.

Council Member Rick Hanlon advised along the same lines as (Council Member Williams) regarding the Charter Review meetings he found it shocking that they would want to reduce it from 3 readings to 2. He advised he liked the comment of the possibility of not having to read the entire legislation (but by title only) at the Council Meetings. Hanlon advised all of us here have the legislation in front of us and we should have read it before arriving at the meeting. He advised if they could find a way to alleviate that (requirement) he was all for it. Hanlon advised he doesn't like the 2 readings idea.

Boggs advised in consult with the Law Director it is his understanding that if they (Charter Review Committee) pass this (any amendments) and send it to City Council that Council does not have any amendment rights. He advised there is a charter meeting on March 31st and all the department heads will be there as the committee asked the department heads to be present to discuss with them directly to see if there are any issues they have with the charter regarding their department. Boggs indicated the Council Members were welcome to attend the meetings and express any concern they may have to the committee.

Bower advised neither he nor Larry planted any seeds (on the 3 readings requirement), but it came out of left field.

Boggs advised actually, he believed it came from Charles Copley, the chairman, who brought it up to him (Boggs) before the meeting began. He advised Copley supported the (read the legislation by title only) change as long as it was posted online so (the public) could read it. Boggs advised he believes what he (Copley) was really opposed to was the reduction of the (voting requirement) to suspend the rules. He advised the committee recommended it go from 5 (affirmative votes) to 4.

Hanlon advised he thought the vote from 5 to 4 was for if we appointed a new City Manager or Finance Director. He advised he didn't catch that it would affect the suspension of rules requirement as well.

Boggs advised he believes that is the reason Copley voted no on that (issue). He indicated if the majority of Council is opposed to the number of readings requirement being reduced they could voice their concerns to the charter committee.

Council Member Darrell Carey had no remarks.

Mayor William Robertson had no remarks.

a. Approval of Voucher #'s 4388 thru 4494 and Memo Expense #'s 0M3161 thru 0M3169 and M31610 and M31611 Keener advised there would be a correction made to #4416 as it was incorrectly charged to the sewer fund when it should have been charged to the water fund. Questions were asked regarding #'s 4392 and 4467. Johnson moved to approve, all Yeas on roll call and **motion carried.**

Adjourn: 9:00 pm

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

Mayor

Clerk of Council