

**Rittman City Council Met in a  
REGULAR MEETING  
Monday, April 25, 2016  
7:00pm**

**Members Present:** Darrell Carey, Dave Williams, Steve Johnson, Rick Hanlon, Brian Smith  
And Ken Park  
**Members Absent:** None  
**Presiding:** Mayor William Robertson

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

**Approval of Minutes – April 11, 2016**

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

**Workshop**

**a. Discussion of Allowing Chickens in Residential Districts of the City**

City Manager Larry Boggs advised it was requested we put this item on the agenda for a workshop discussion. He advised Kevin (Bower, Law Director) prepared legislation that is on your agenda, which is pretty much the same as Medina's (ordinance). Boggs advised the thing he didn't like about Medina's (chicken legislation) was how many chickens you could have on a single property under the (square footage) formula. He indicated if Council decides to allow chickens that they should put a maximum number of allowable chickens per residential property. Boggs advised he felt otherwise it would be hard to calculate and enforce. He advised as he stated in their memo there were Pros and Cons to (allowing chickens).

Mayor William Robertson inquired as to who would handle health complaints.

Boggs advised he believed the Health Department is supposed to. He advised he never, in his (police) career, had much luck with that. Boggs advised he believes things have changed (at the health dept.) so he doesn't want to over criticize, but he has never had much luck on private property. He advised the Health Dept. always felt they had to have a search warrant or be invited onto the property.

Robertson advised he thinks about some of the property maintenance issues we have and then someone gets chickens.

Boggs advised that was a good point because he felt the property maintenance is a good ordinance, but right now we don't have the personnel to handle everything.

Council Member Steve Johnson advised he has nothing against chickens, but his concern is that we already have so much trouble with our property maintenance enforcement. He advised we are struggling already and now we have to have someone figure square footage and count chickens. Johnson advised he was a little worried about that aspect of it and he is worried about the odors in the summer. He advised he has been around chickens as he was raised on a farm.

Robertson advised that is what he heard from people. He advised to keep them clean is one thing, but if you aren't.

Johnson agreed and advised he has some concerns with certain areas where the housing is really close and he isn't crazy about that either. He advised he has a neighbor that on any given day has 12 cars, 3 trailers and 3 tractors in his yard and he inquired as to why he should quibble about chickens. Johnson advised he heard a couple comments from people regarding the smell and such.

Robertson advised that was one of the concerns he heard as well.

Council Member Rick Hanlon advised this legislation states the chicken coops shall meet the requirements for detached accessory buildings. He advised that would be 6' from the lot line. Hanlon advised he is concerned with a chicken coop only being 6' off the property line and not far away enough from that chicken property owner's house and potentially the neighbor's house would only be 12' away. He advised houses have 6' side setbacks from the lot line and there are houses that are 12' apart. Hanlon advised he felt there should be something different in setback requirements to where there is a minimum distance between anyone's house.

Park advised he thought he saw something in Medina's (legislation) about 50'.

Bower advised he looked at so many he can't remember what Medina's is.

Balog advised he believed that was in regards to if you had a rooster 50' on an acre or more. He advised he would urge Council not to let that stop them from finding a creative solution.

Johnson advised Medina has a very aggressive building and maintenance department. He advised they have employees that is all they do is check these types of things. Johnson advised if they

have a problem they can address it. He advised we can't resolve some of our property maintenance issues and it is time consuming work. Johnson advised our guy now has a lot of hats he wears.

Williams inquired if there was any way to mitigate the smell.

Collins advised first of all, chicken excrement is no more odorous than cats or dogs. She advised 140,000 commercial chickens would be a problem, but for those who have 6 or 10 chickens that smell is no more odorous than those animals that are already allowed in the city. Collins advised secondly, it is a lot of work upfront and during the winter time. She advised the people who are the most interested in having these animals have to care for them. Collins advised you have to raise them in your homes to begin with and protect them during the winter or they will die. She advised you can't just throw food outside and expect them to care for themselves. Collins advised the time investment to make them successful will eliminate a lot those who may not take care of them as they are more work than just getting a cat or a dog, which works in the Council's favor. She advised you have to be a conscientious acquirer of these animals.

Robertson inquired if they require a coop. He assumed you couldn't just have them inside a fenced yard roaming free.

Balog advised they prefer a coop for safety at night.

Collins added and for safety during the winter as they would not be able to survive without a coop. She advised small amounts of time they can be outside their coop, but they do need a coop or they will not survive an Ohio winter.

Balog advised in regards to enforcement of the building maintenance code that we don't have the proper enforcement of it currently. He advised he brought this to Council to try to be a law abiding citizen. Balog advised he could have just had chickens in his yard in the hopes that his neighbors won't complain.

Collins advised hens are particularly quieter than dogs as even a trained dog will still bark from time to time. She advised there is some minor clucking, but they are quieter than the chickadees in the morning.

Hanlon inquired if they were to buy 6 chicks and raise them in the house until they are large enough to be placed in a coop.

Collins advised and then if you don't do your job they are goners.

Hanlon inquired if there was anything in our ordinances right now that prevents someone from buying chicks and raising them in their house such as their basement.

Collins advised she doesn't think so.

Boggs advised if we have knowledge of it as you can't have chickens in the city limits.

Bower advised unless you are in an agricultural district RE.

Boggs advised he would assume that ordinance would be a catchall, although you wouldn't know unless someone complains. He advised as well as an ordinance that you can enforce.

Hanlon inquired if a chicken lays an egg every day.

Collins advised after it reaches maturity in the summer it is usual that they would. She advised during the winter you would not have eggs every day.

Johnson inquired if they checked with Wadsworth or Orrville or surrounding cities.

Boggs advised he started to do some research on it and he got swamped with some other things so, he didn't find much else on it as he didn't have time. He advised they could do more research if Council wants it and they could meet with the interested parties if they are willing to try to provide more information to Council.

Park advised he believed Wadsworth was 5 acres. He advised he can't remember Orrville's regulations and in Barberton they originally decided to ban them and then decided to allow them because they had so much interest from the residents. Park advised he felt if we are going to allow it we are going to have to limit it to 6 chickens per acre or something like that.

Hanlon advised he doesn't believe we have a lot of interest from people wanting to raise chickens. He advised he doesn't believe this will be something at every other house in the city.

Boggs advised in order to keep track of it they might consider a permit to track where they are located, if they decide to allow it.

Hanlon advised the coop itself would need to apply for a zoning permit and then they would have to deal with the county (building dept.) to be sure it is properly secured to the ground.

Collins advised most chicken coops are moveable to allow the chickens to forage in different spots.

Hanlon advised the county is still going to require it to be anchored to the ground, but that would be a question for the building department.

Boggs advised the one city employee that raises chickens on his property (not a Rittman resident) moves his coop around all the time.

Park advised he believed if the structure is less than 200 sf the county didn't require a building permit.

Williams inquired if there was any benefit for local government to know how many people are raising chickens. He advised he is wondering about any kind of health related issue.

Balog advised if anything he felt it would benefit the owner of the chickens in case one should get loose you know who owns chickens in the city to be able to find the owner.

Williams advised the only reservation he has is the setback requirements.

Hanlon advised if we were to specify in the ordinance the setback requirements and also specify a maximum number of chickens allowed. He advised he would think regardless of acreage 8-10 chickens would be more than enough.

Collins and Balog were both in agreement that number would be sufficient for their purpose.

Collins advised once you have established who you are purchasing your chickens from the law states that you can then buy them individually after the initial 6 are purchased.

Smith inquired as to the number of chickens they would need to supply their need.

Balog advised they were looking at approximately an egg a day per chicken. He advised he would like to have 6 hens.

Collins advised 10 was plenty. She advised her 5 year old will eat 4 eggs at a time.

Robertson advised they could add modifications when they get to that agenda item.

No further discussion.

**b. Discussion of the USDA Loan Refunding**

Finance Director Pamela Keener advised as she indicated in her memo she provided the statement of revenues, expenditures and changes in the fund balance for the next five years. She advised the first page is the original statement based on the current USDA debt payment schedule. Keener advised the second page would be what the fund balance would look like over the next five year. She advised we did a 10 year option with Key Bank. Keener advised the third page indicates what the fund balances would look like if we went with the 5 year option with Huntington. She advised additionally Huntington provided an amortization schedule and she shows what that would look like with the 10 year option if the bonds were called in year 6. Keener advised Key Bank ran numbers on a 5 year option as technically the previous 5 year option they provided was actually a 10 year option with the bonds called in year five. She advised both amortization schedules were enclosed along with an updated comparison sheet. Keener advised with all that additional information she revised her spreadsheet and the additional information is highlighted in yellow. She advised Key Bank's 5 year option at 1.99% would be the best 5 year option as well as Key Bank with the 10 year option with a 5 year call.

Johnson inquired if she was recommending the Key Bank option that costs us \$20k more.

Keener advised no, that was Huntington's where the interest would be \$54k whereas Key Bank's would be \$43k. She advised you would save \$43,200 if we went with Key Bank.

Johnson inquired if there was a difference between the 5 year and the 10 year plan.

Carey advised approximately \$24k.

Johnson inquired if we paid it off in the sixth year as to the difference in the cost. He advised if we go to term it costs us \$24k more.

Carey advised if we paid it off in 2020 it would be approximately \$807,000 and with the 5 year option it would be about \$832,000. He advised he subtracted those numbers and it was approximately \$24k, which was less than \$5k a year.

Johnson advised over 5 years we would be looking at \$5k a year (in savings).

Hanlon advised with the 5 year option the bottom line where it states Fund Equity December 31<sup>st</sup> starting in the year 2007 and going all the way to 2020 (the sewer fund balance) has been a lot lower. He advised it is unusual that we have a \$1.2 million (sewer fund balance) at the moment, which is 3 or 4 times what we really need.

Johnson advised he agrees with Rick (Hanlon) and his thought was if we can get the money cheaply and he inquired as to what are the chances we'll need the money. He inquired if it was slim to none or 50/50 or more. Johnson advised right now these interest rates are at historic lows and 2 or 3 years from now when we need money we won't be able to borrow it for this low.

Boggs advised he felt the scenario proposed at the last meeting where if someone wants to come to the industrial park that had a tremendous usage of water and sewer then we (city) might have to do some expansion on the sewer plant. He advised however, if there is something that is a production in terms of jobs within the state & city he would think that JobsOhio would help us with the infrastructure, although he is only speculating. Boggs advised he doesn't believe we would be left out there by ourselves if a plant brings us to capacity of our sewer plant he felt we would get some assistance. He advised the water and sewer is primarily already in place at the industrial park and he didn't feel we (city) would have to spend a tremendous amount of money. Boggs advised we might have to extend the lines in some areas if a secondary plant comes in on a separate parcel.

Utilities Director Ken Mann advised if a business occupied the south side of the area between the creek and Industrial Street and another factory moved in on the north side then, yes. He advised there is still an 8" line on Industrial Street for water and there is sewer on Industrial as long as they are not over normal capacity for a plant. Mann advised the wastewater treatment plant is just under 50% capacity. He advised the water treatment plant is under 1/3 capacity.

Johnson advised we were handling the PCA plant previously.

Boggs advised he believes we are in good shape in the Sewer Fund. He advised he felt we would be eligible for going after infrastructure grants. Boggs advised even ODOT has a department that will help with roads on an industrial park such as this, if we have something coming in that makes it worthwhile.

Robertson advised no one has come to us with a huge proposal.

Boggs advised the one (business) that has been in discussions with him all of a sudden changed their capacities to a lot higher and he isn't sure why. He advised that could put us closer to capacity if those are true numbers. Boggs advised they feel the company hired for the site selection is just trying to make sure whoever is bidding on it has what they say they have.

Johnson advised he felt we ought to stay with the 5 year.

Hanlon advised he would second that.

Boggs inquired of the finance director if she included when doing her analysis the (revenue from the) septage receiving station.

Keener nodded she did.

Hanlon advised we are looking at \$30k in revenue.

Keener advised after talking with Kenny (Mann, Utilities Director) that in a couple of years it would be even more. She advised she was providing a conservative estimate. Keener advised Key came in at 1.99% for a 5 year and she was confirming that is the one they (Council) want to go ahead with.

Hanlon advised he would go with the 1.99%.

No opposition was posed.

Keener advised she would have the bond counsel draw up the legislation for the next meeting.

Hanlon inquired if she had any idea as to what their fee would be.

Keener advised between \$8,750 and \$10k.

No further discussion.

### **Citizens Forum**

Carol Lowe of Louise St. advised she moved into Rittman last year. She advised she was at the county questioning the dotted line (on the tax map) was on her front yard. Lowe advised when the developer was figuring out the lots he got an easement and never had it removed. She advised Mr. Gasbarre told her to go the county map office and they in turn told her to talk to the City of Rittman to see if the easement could be reversed.

Boggs advised the easement appears to be a possible cul-de-sac that was never installed. He advised the easement is still there. Boggs advised he spoke with the department heads this afternoon and there are no utilities in the easement. He indicated there is another easement for access to the retention pond in the back. Boggs advised there was some reluctance in removing the entire easement for that reason. He advised he spoke with Kevin (Bower, Law Director) briefly before the meeting started and he would like time to do a little more research, but she (Lowe) is here tonight to be on the record with this request and have it followed through.

Carey advised they sure wouldn't be able to put a cul-de-sac in that part now.

Hanlon advised he felt that easement was customary as there is one on Olds Ave. as well. He advised that has been done on several dead ends in the city. Hanlon advised he doesn't know if it was something Bob Kellogg requested or the engineer's reviewing the plans requested. He advised they would show it on paper although it was never enforced to put the infrastructure in. Hanlon inquired if it was a relatively new development.

Boggs advised the section she (Lowe) lives in (Louise St.) he wasn't sure Bob Kellogg was even here when that was done.

Lowe advised in an email Steve (Gasbarre) says it was done in 1977.

Boggs advised that was before Kellogg.

Hanlon inquired if any of those developers were on file.

The clerk advised she didn't know.

Mann advised he would have to look in the map room.

Hanlon advised basically they were showing it on paper, but if you look at the actual pavement required the pavement itself of the easement for the road would not go that close to a house. He advised that would basically be if someone were to have a curb line and the sidewalk beside that. Hanlon advised it was customary and done in several different developments. He advised he felt it was for the infrastructure and required at that time and he didn't believe anyone was going to come back and do anything about it now.

Boggs advised when you click on it on the auditor's website it shows no information on that (easement area), but if you click inside the actual property line then it tells the property owner information. He advised it doesn't even say the City of Rittman owns it.

Lowe advised she was told her front yard is owned by the City of Rittman and is public property. She inquired as to how far from the front of her house is the City of Rittman and she was told roughly about 10' from the front of her house is City of Rittman property.

Carey inquired if they offered to reduce her real estate taxes since the City of Rittman owns her front yard.

Lowe advised she didn't ask, but she would just like to own her front yard.

Mayor Robertson advised the city officials would be looking into it.

Hanlon advised he felt she would have to start by looking at her deed and reading the meets and bounds description.

Lowe advised she has her deed.

Boggs advised she just wanted to be on record with it. He advised if we find we (city) have no need for it we would be bringing it back to you.

Lowe advised she didn't know what process and what steps to take. She advised in speaking with Mr. Boggs he told her to come here. Lowe advised she doesn't know what steps to take.

Boggs advised he would follow up with her in a week or two to see where the issue stood.

Ed Hoover, a Rittman bus driver, advised he read in the paper that they were scheduling the resurfacing of W. Sunset Dr. and he was present to ask Council and the City Manager to take into consideration after the paving is completed to extending the center lines back to their original and eliminate the left turn lanes (W. Sunset & N. Metzger). He advised when he goes through there since it has been in operation he has seen situations with his bus alone having problems making that turn. Hoover advised he has to make an arch turn and the farther left he is the shorter the arch is. He advised it is always difficult, but it is more difficult with that left hand turn. Hoover advised we don't allow the buses to come in from the west any longer as it is almost impossible to make that turn. He advised he doesn't know and he would like an answer as to whose turn it is to go with the left hand turn lane. Hoover described scenarios of people waiting in the turn lane to go and others approaching in the straight lane go. He advised he has seen some pretty close accidents. Hoover advised one time the crossing guard was not there and the kids don't know when to go. He indicated he has seen kids jump back because of the different lanes going simultaneously and not knowing when it was safe to cross. Hoover advised before (the lane changes) he could wave a single car through so that he could make a left turn, but with the left turn lane he has to have three cars (cleared of the intersection) because the intersection is not built for a turn lane. He advised the center to the curb is a lane and a half and it was 4' over on the other side of the road. Hoover advised it makes it very difficult to turn there. He advised he would just like them to take that into consideration. Hoover advised he spoke with school board member Doug Stuart, who drives a UPS truck and finds it hard to turn as well. He advised extended cab pickup trucks have a terrible time trying to make that turn. Hoover advised on Metzger, the stop sign could be moved back to give a couple more feet. He advised they could still see the intersection and keep that first car back a little more so they can make that turn. Hoover advised it is a safety issue. He advised he believed the original reason it was put in was when the elementary school was renovated and more kids were being brought by parents from down town and there was more car traffic and it was backing up. Hoover advised since that time the school completed the student drop off area around the back of the school. He advised on a rainy day it is still heavy with traffic, but most of the time that has been relieved so he felt we don't really need the turn lanes and it would make things simpler. Hoover advised he would like them to take that into consideration and he appreciated it and he thanked them for their time.

Hanlon advised he was glad he brought it up because he lives 2 houses away and he is on the side where the lane is narrowed and a utility pole is in his approach, he has to swing left to turn into his drive without driving in his front yard. He advised he would love to see that go back to the way it used to be.

Boggs advised the only thing he was going to say was and it may not be the same now because the school finally cooperated and put in that drop off lane, but before that the schools did nothing to alleviate the traffic problem. He advised their attitude was that is the city's problem and we had gridlock. Boggs advised we put in those turn lanes and it would be a lot better if we had a bigger intersection, but we had gridlock. He advised we improvised and we got rid of most of the gridlock. Boggs advised now if we go back to the way it was with the school drop off it may be okay now, he didn't know.

Police Chief Burg advised there were times when we had gridlock and would get a call and by the time we would get up there it was cleared up. He advised the gridlock doesn't stay that way for a real long period of time.

Boggs agreed and advised it was pretty quick now. He advised there were times before the drop off you didn't want to drive on Metzger or that portion of W. Sunset during school drop off and pick up times. Boggs advised he would do whatever Council wants him to do. He advised it would save us on (striping) if they don't want the turn lane.

Hanlon advised if they make an ordinance on it he would probably have to abstain.

Boggs advised he didn't know that we would need an ordinance.

Johnson advised we can try it for a year and if we don't like it change it back.

Hanlon advised we can always change it back.

Boggs inquired if that was a consensus.

Several members of Council related at the same time similar stories of the narrow turn area.

Boggs advised he is taking that to mean that once the road is completed to not put the turn lanes back in.

Several members of Council were heard agreeing the turn lanes should be eliminated.

Mayor Robertson advised he felt it was a student safety issue too.

Hoover added the school bus is 35 feet long and the lanes are close.

No further comments.

**Old Business** – None

## New Business

a. **Ord. No. 7944 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 991.01 (k) General Regulations. First Reading.** Ord. No. 7944 was read on first reading. Carey inquired if this was in regards to a tree hanging over the sidewalk that it would be cut down. Boggs indicated it is bringing rules the cemetery board approved, adopted into the legislation. Bower advised the only real change is they (cemetery board) did not want new plantings. Boggs advised the shrubs are already a problem because they are not trimmed or people get mad if the city trims them and there is such short distance between each grave site and we can't get the mowers in between. Boggs advised in discussions with the cemetery sexton it was decided it was best to state no new shrubs. Johnson moved to place on second, all Yeas on roll call and **motion carried.**

b. **Ord. No. 7945 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 975.04 (b) Amount of Rate Reduction for Garbage and Rubbish Collection First Reading.** Ord. No. 7945 was read on first reading. Carey moved to place on second, all Yeas on roll call and **motion carried.**

c. **Ord. No. 7946 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Amending Chapter 1163.16 (a) Accessory Uses, to Create an Additional Section (E) of the Codified Ordinances for the City of Rittman First Reading.** Ord. No. 7946 was read on first reading.

Park advised this legislation was brought to us for the purpose of egg collection from chickens and he didn't feel we should include ducks and rabbits. He advised he didn't feel a lot of people were going to want to raise ducks.

Williams advised he felt ducks would be loud and annoying. He advised he didn't have an issue with rabbits.

Hanlon moved to place on second with the amendment, by removing the square footage requirement per chicken and cap the number allowed at 8 and that the coops or cages be a minimum of 50' from any residential structure and removed the ducks from being allowed from the legislation, upon roll call; Johnson-Yes, Park-Yes, Williams-Yes, Smith-Yes, Hanlon-Yes, Carey-No and **motion carried.**

d. **Res. No. 7947 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. 7947 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. 7947 was read on second and third reading.

Hanlon inquired as to where the handicap swing would be installed.

Boggs advised where the Rotary Club requested at First Street Park close to where the (playground) ship that was burned down was once located.

Robertson inquired if the area where the wheelchair access swing would be located if it would be handicap accessible.

Boggs advised they may have to add another section of walkway and it should be okay. He advised we originally said they city would pour a cement pad for it (wheelchair access swing), but the instructions do not call for a cement pad so we may use the planned concrete for a walkway closer to the swing. Boggs advised the Rotary is also planning on donating security cameras for the pavilion and the playground area.

Williams advised he was in a wheelchair his high school years due to an auto accident and he understands what it takes to navigate in a wheelchair and he suggested some kind of approach leading up to the swing would be helpful for ease of access. He advised he would hate for such a nice swing be installed and it not be utilized.

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

e. **Res. No. 7948 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Establishment of a Section 125 Plan Three Readings.** Res. No. 7948 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. 7948 was read on second and third reading.

Williams inquired if this was similar to his employer where it is tax free.

Keener advised yes.

Williams inquired if the money was front loaded at the beginning of the year onto their account.

Keener advised no, this was just a pretax plan, which we already had in place. She advised previously we had to do it annually and this legislation will allow (employees) to do it one time as long as they aren't changing their plan.

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

**f. Ord. No 7949 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 377.03 (a) (2) Code Application; Prohibited Operation First Reading.** Ord. No. 7949 was read on first reading.

Boggs advised this (legislation) will prohibit mini bikes and ATV's and the like from being ridden on residential property within the city.

Hanlon inquired if this would prohibit people from starting them up to load on a truck.

Boggs advised there are a lot of laws out there that the police officers have to have discretion on. He advised most are complaint generated and generally when people complain is because it is (repetitive nuisance).

Bower advised 377.04 permits for loading and unloading purposes.

Williams inquired if this would allow for ATV's to be used for snowplowing driveways.

Boggs advised we forgot about that issue.

Bower advised snowmobiles definition fall under the ORC traffic code.

Boggs advised he believed (Williams) is referring to is allowing ATV's to have snow blades attached for the purpose of clearing snow from their driveway.

Bower advised that is not a snowmobile that would be like a tractor with a plow on it.

Boggs agreed.

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

**g. Ord. No. 7950 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. 7950 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. 7950 was read on second and third reading.

Keener advised there was a corrected attachment at their Council desks. She advised it was to add the deposit refund for the street opening to the Eastern Road Church of God as they want their money now.

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

**h. Ord. No. 7951 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Chapter 941.05 (b) (6) Sanitary User Charges, of the Codified Ordinances Three Readings.** Ord. No. 7951 was read on first reading.

Hanlon inquired if this was something that needed passed tonight.

Boggs advised not really.

Robertson inquired if the Utilities Administrator needed this change to do the billing.

Boggs advised all we are trying to do is correct the ordinance to what it should read to make it clearer. He advised when you read the existing ordinance right now half the people (interpret) it as 1.5% or 150% and half read it as 1% plus 1.5% or 250%. Boggs advised they believe that one of the last ordinances Council (adopted) was the sewer rate was at 250% (for residential properties outside city limits). He advised the current ordinance does not say that and this is a housekeeping issue to make it clearer.

Hanlon inquired as to what this (legislation) is billing.

Keener advised residential.

Clerk Brooks advised for outside city limits.

Boggs advised anyone who taps into the sewer outside the city limits. He clarified the Apostolic nursing home has a separate contract.

Hanlon advised for sewer users outside the city limits would be the normal (inside) city rate plus the one and one half times. He inquired if that was correct.

Boggs advised correct.

Hanlon inquired if that was for residential and commercial.

Brooks clarified it is for residential outside city limits.

Robertson advised it is currently the way (Utilities Administrator) is billing, but this is to make it clearer in the existing code.

Hanlon advised this section is confusing itself.

Boggs advised the water (rate) is different. He advised the water (rates) are 200% (for outside city limits). Boggs advised it (water rates) are not 250%, but 200% (times the inside city limits rate). He advised he believed the 200% was passed in 1999.

Clerk Brooks clarified she believed it was 1996.

Hanlon advised he thought the previous Council changed these rates when the Apostolic nursing home tapped in.

Boggs advised previously 3 Councilman wanted the City Manager to negotiate a contract with the Apostolic home and 3 Councilman did not. He advised the Mayor broke the tie in 2 separate sessions. Boggs advised on the 3<sup>rd</sup> session (reading of the legislation) one of the Councilman were absent and the vote was 3-Yes and 2-No and the Charter says you have to have 4 affirmative votes to adopt and the legislation failed because there was no tie vote and the Mayor could not vote. He advised new elections and a new Council and we contracted with the Apostolic home for 1.5%. Boggs advised

he believed there are 5 residential properties (outside city limits) that have tapped into that line that are paying 250%.

Hanlon inquired if they tapped into the nursing home's line.

Boggs advised it is our (city) line now as they turned it over to us.

Carey moved to suspend the rules and have second and third reading, upon roll call; Hanlon–No, Smith–Yes, Park–Yes, Carey-Yes, Williams-Yes, Johnson-Yes and **motion carried**. Ord. No. 7951 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried**.

#### **City Manager's Remarks**

City Manager Larry Boggs advised the police chief selection committee reviewed applications and they have had over 61 applicants so far. He advised 20 of those have made the cut to the next phase. Boggs advised we are still accepting applications so we could have more. He advised he felt the process was moving along quite well and he is hopeful that we will find a good replacement for when Chief Burg retires.

Boggs advised thanks to Councilman Smith who made contact with the YMCA and we have an upcoming meeting to discuss keeping the kids here in town versus busing them to Wooster for programs. He advised we are going to try to coordinate with them and the schools and make it a better program and have a better relationship with the schools. Boggs advised he appreciated Brian for initiating that for us.

#### **Finance Director's Remarks**

Finance Director Pamela Keener had no remarks.

#### **Council Remarks**

Council Member Ken Park thanked the citizens who came to help explain some of the issues with regards to raising chickens and for making the whole process easier to understand and make decisions.

Council Member Brian Smith thanked everyone for coming. He appreciated their time.

Council Member Dave Williams thanked Pam Keener for all her research on the sewer debt refinancing as it was a lot of work. He advised he took the opportunity to attend one of the Charter Review Commission meetings he thanked those citizens who have donated their time to evaluate the Charter.

Boggs advised the Charter amendments would be brought in legislation form to your next meeting. He advised it was rather lengthy he will as the Council Clerk to record it.

Hanlon inquired if we couldn't do it as an Attached Exhibit "A".

Law Director Bower advised no.

Boggs advised one of the changes in the Charter is to have the legislation read by title only at Council Meetings. He advised until that passes (by the voters in Nov.) it still has to be read in full.

Hanlon inquired if we can pass that amendment first and then the rest of them.

Boggs indicated it has to be approved by the voters after Council adopts the legislation and taken to the Board of Elections for placement on the November ballot.

Council Member Steve Johnson had no remarks.

Council Member Rick Hanlon thanked the bus driver for bringing to Council's attention regarding the left turn lane (Sunset & Metzger). He advised he is glad to see others want it to go back to the way it was before.

Council Member Darrell Carey thanked the Rotary for their contribution of the Wheelchair access swing. He advised he felt it has probably been needed for some time and will add some usefulness to the handicapped individual to the park.

Mayor William Robertson advised the new committal shelter at the municipal cemetery looks really nice. He advised it is a nice addition to the cemetery. Robertson advised May 8<sup>th</sup> was Earth Day and the schools would be helping the city out by having a work day to clean up the parks to make the city look better.

- a. **Approval of Voucher #'s 4530 thru 4638 and Memo Expense #'s 0M4161 thru 0M4169**  
Hanlon moved to approve, all Yeas on roll call and **motion carried**.

#### **Adjourn: 8:26 pm**

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

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Mayor

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Clerk of Council