

**Rittman City Council Met in
A Regular Meeting
on Monday, May 9, 2011 at 7:00 p.m.**

Members Present: Glen Russell, Richard Lapehn, Darrell Carey, Bill Workman,
Lynn Beaumont and Rick Hanlon

Members Absent: None

Presiding: Mayor William Robertson

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

Approval of Minutes – April 25, 2011

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

Workshop

a. Discussion of Detaching from Milton Township

City Manager Boggs advised our law director and the finance director researched this issue and the information was provided in their Council Packets.

Law Director Bower advised if we (city) detach the inside millage, as explained in Ms. Rissland's memo, would come to Rittman. He advised it happened to Wadsworth, it happened to Canal Fulton. Bower advised what little law he could find, as there was not a whole lot of precedence and it was a policy decision for Council to make.

Carey advised the inside millage would come to Rittman and inquired about the other (millage).

Finance Director Rissland advised the voter millage can't come to (Rittman) because it was voted on in the township. She advised she didn't know at what point they would stop collecting that as those were continuous levies, but she would think it would stop as soon as it was no longer part of Chippewa Township.

Carey advised they would stop assessing people and the citizens would get a reduction.

Rissland concurred the citizens would get a reduction.

Boggs advised just in the small section of Chippewa Township they were collecting a police, fire and EMS levy which amounts to almost \$10,000 and our city services supply those services for them.

Hanlon advised in addition, those same businesses were paying into the Rittman EMS and Fire levies. He advised there was nothing like double taxation.

Beaumont advised (Rittman) provided all those services.

Boggs advised yes, the exception was Milton Township when they did their fire levy it was on the ballot so as not to affect the Rittman property owners so, it was entirely kept in Milton Township and was strictly for the unincorporated portion of Milton Township. He advised another interesting fact was the spreadsheet indicates zeros in the Wooster City columns and he believes that represents where they (Wooster) detached many years ago from their township.

Rissland advised the most importantly was the sheet that shows the inside millage of over \$47,000 assessed and probably \$45,000 was collected every year.

Hanlon inquired if that would be monies (Rittman) would be entitled to if we detach.

Rissland advised we could petition the Wayne County Budget Commission to give (Rittman) those inside mills.

Hanlon inquired if an ordinance needed passed prior to making that request to the budget commission.

Rissland advised previously (in Kent) she questioned a township park district that was dis-banned and by virtue of a letter to the budget commission she requested they grant them the inside millage. She advised she would need to check with Jarra at Wayne County to see how they would like it to be done. Rissland advised she knew one thing she would have to do was to equalize the inside millage among all the taxing districts and one of the only exceptions to that as she understood it was some of the annexed areas there could be some disparity in rates from some of the other districts. She advised if they try to keep those inside millages equal in all the taxing districts in the county, the county could not pick up those free mills because that would make Rittman residents pay more taxes to the county. Rissland advised the only other potential one were the school district and she didn't believe they could because they were also in Chippewa Township too and if one were to get more than the other they would be unequal.

Beaumont inquired as to the process.

Bower advised Council, by statute 503.07, passes a resolution authorizing the Law Director to file a petition with the Wayne County Commissioners. He advised it was like doing an annexation, but in reverse. Bower advised he files the petition with the map attached. He advised and as he reads the statute it was mandatory because it says the commissioners **shall** grant the petition if it was procedurally/technically correct. Bower advised he didn't see that the commissioners have any discretion like "in the best interest of the territory subject to be annexed" standard. He advised that (language) was not in the statute, but it says **shall**.

Beaumont inquired as to how it comes before the budget commission.

Bower advised he was not sure when he read the powers of the budget commission that they would have the power to deny us (Rittman) the money.

Beaumont inquired as to a time frame.

Bower advised unlike the annexation statute there was no timetable so, he would assume after we file the petition they would put it on their next meeting agenda and set it for a hearing.

Russell inquired if the boundaries would change. He advised he was referring to the roads and inquired if we (Rittman) would be responsible for those or how was that going to work.

Rissland advised they would be the same city boundaries that we have now.

Russell inquired if there wasn't an agreement with Milton Township (regarding the maintenance of roads).

Boggs advised we have agreements with townships and counties along the boundaries regarding who maintains what portion of what road. He advised those agreements in his opinion would not change as those were separate agreements. Boggs advised he supposed either side could say they no longer wish to honor their agreement although that was not their intention. He advised the city was not looking to alter any mutual aid or road agreements. Boggs indicated such as Decourcey Road where one side (east) was inside city limits and most of the other side (west) was outside and in that case the cost of the road maintenance was shared with Milton Township through an agreement. He advised the boundaries and the corporate limits do not change. Boggs advised what this (detachment) does if Council decides to do so was make the city form their own township, if he understands it correctly such as a Rittman Township.

Bower advised exactly.

Workman advised part of (the west side of DeCourcey) was already in the city limits and indicated he was talking about the property on the northwest corner of DeCourcey Rd at the intersection of Krabill, as that property was previously annexed into the city.

Rissland advised (this action) would not change any of the boundaries, but where there were overlapping governmental entities it would separate out the township and the city instead of having the city, the township and the county all in the same city. She advised it would just moves the township back to the township.

Hanlon advised he wasn't at the last meeting however he reviewed the minutes and read where some citizens had talked about this issue in the workshop. He inquired if we (Rittman) can secede from one township and not necessarily from all or secedes from one earlier than another.

Bower advised yes and no. He advised they could detach from Chippewa and Milton in Wayne County, but they would have to do both. Bower advised they couldn't not do Chippewa and stay in Milton Township because you need your corporate boundaries within that county to conform to the new township boundaries, which would be created.

Workman inquired as to why we would want to (detach) from one and not the other (township).

Hanlon advised obviously this was going to place a burden on Milton Township since they have two trustees who are also residents of the City of Rittman. He advised and by the same token there are (Rittman) businesses in Chippewa Township that in his opinion were being double taxed and one was for a service they were not receiving any provisions for and apparently we can't secede from Chippewa Township tomorrow and Milton Township in January (2012). Hanlon advised apparently it had to be the same as both boundaries were in Wayne County.

Tom Leatherman, resident on DeCourcey Rd and Milton Township Trustee advised he would like to see the information provided to Council in their packets. He advised he believed Council also received a letter from the township requesting a meeting with the Milton Township Trustees and Rittman City Council at some point and time and discuss the mutual cooperation they have had in the past. Leatherman advised there have been several articles in the Akron paper regarding the cooperation between townships and cities and he felt that was the wave of the future and they weren't going to survive by taking money from each, but rather by working together and that was what he would like to see happen. He advised he would like Council to take him out of the equation as it was not about him trying to stay on as a Township Trustee, but trying to have enough money to maintain the roads they have in the township. Leatherman advised if you (Rittman City) take away that money he felt it would be very difficult for them (township trustees) to maintain some of the facilities they do. He advised he really would like to emphasize meeting and talking about these issues before they take any action and he was making it a formal request.

It was discussed and noted that if Council should meet anywhere other than their regularly scheduled meeting time and place a special meeting would have to be called and advertised as such.

Leatherman advised he wouldn't think they would want to do it at a regular meeting of Council.

It was noted it would be a meeting of Council regardless.

b. Discussion of Phase I Sidewalk Enforcement

Boggs advised he was just making sure he was on the same page with Council regarding the sidewalk program they have been working on since last year. He advised if they recall they bid out the sidewalks last year and it was late in the season and they decided to do a strictly voluntary program for that year. Boggs advised it was his intention to start with Phase I this year as part of the mandatory program and decide which sections of sidewalk in phase I that now needed to be replaced as well as install sections where they don't currently exist. He advised they intended to notify the property owners about such installation/replacement under this timetable. Boggs advised it was his understanding this would be done the same as any other assessment if we are going to assess the cost of the sidewalk improvement to the property owner. He advised in briefly talking with Barb (Rissland, Finance Director) this afternoon stated she had some experience doing it another way under the nuisance section. Boggs advised he wasn't sure what legal counsel would say as far as how they should handle this situation.

Bower advised he felt they could handle it either way.

Boggs advised he felt under the nuisance section would be quicker as his concern under the assessment procedure was the timetable. He advised they just received the bids that day and they still came in very low. Boggs advised he believed last year the low bid was \$2.85 sf and this year it is \$340 sf for replacement of sidewalks, which includes removal as the Service Department doesn't have the extra personnel for the removal of the cement and he felt that was still an excellent bid. He advised the areas where there are no sidewalks the bid came in at \$4.20 sf, which includes the excavation. Boggs advised he was looking for direction as to whether or not to proceed with this program. He advised there was potential, when property owners are notified, for complaints from property owners with this (mandatory) program. Boggs advised he would like to remind Council that they were never going to get it done if they don't "stick to their guns" on the program.

Russell inquired if there was money carried over from last year that would be used this year.

Boggs advised they set aside money in the budget last year of \$50,000 and he wasn't sure there was the same amount (appropriated) for this year. He advised phase I was identified as the area around the schools as Council wanted. Boggs advised those with sidewalks that need repaired as well as those without sidewalks at all would be included such as those on Saurer and Pleasantview as well as those on W. Sunset (west of Rufener) at a total cost of \$27,009.00 for the low bidder. He advised again that would be assessed to the property owner for reimbursement to the city in order to be able to continue the program each year. Boggs advised they have had some property owners volunteer to be placed in the program and we will do so as long as the funds are available in the budget. He advised he believed most of those who volunteered to be a part of the program last year have paid for their new sidewalk. Boggs advised he felt they were in a very good position to start the program off again this year. He advised with volunteers it was a first come first serve list and as long as there was money still in the budget for those additional properties they would be able to accept volunteers into the program at this new rate.

Hanlon agreed \$3.40 sf was a really good price. He advised he felt (City Manager) didn't really need Council's approval to go ahead with the phasing as it has been "on the books" now for many years that the property owners have to repair their sidewalks if asked. Hanlon advised last year they passed an ordinance for developments 2 years or older without sidewalks to (be enforced to do so).

Boggs advised he brought this back in a workshop because a Council Member asked him if this was in fact a mandatory program. He advised he felt it would be a good idea to refresh Council's memory as this would be the first year of the mandatory program and there could be more questions and complaints (from property owners). Boggs advised unfortunately a lot of the properties they identified as being in phase I did not volunteer for the program last year and are on the mandatory list this year. He advised he sent letters to the property owners on W. Sunset Dr. west of Rufener to the (city limits) last year and originally three property owners signed up to have sidewalks installed and changed their mind at the last minute. Boggs advised he was not sure how those property owners were going to respond as some of them have some landscaping where a sidewalk would be (located) so, he was sure not everyone would be happy.

Hanlon inquired if the ordinance passed last year would apply to those residents.

Boggs advised yes, I do.

Workman inquired regarding the property at the corner of Saurer and Pleasantview.

Boggs advised the fire hydrants needs replaced as it was located where a sidewalk would be installed and he felt that part of it was the city's responsibility. He advised the purchase of hydrants was budgeted in this last appropriation amendment, but the rest of the area where a sidewalk would be installed he believed was the property owner's responsibility. Boggs advised if they recall he believed zoning board was appointed to hear complaints of being unfair and those who challenge

their assessment he would off that process for appeal. He advised if there are any issues he hoped Council would bring them up for discussion.

Citizens Forum - None

Old Business

a. **Res. No. 7640 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Declaring it Necessary to Improve Douglas Drive by Installing a New Asphalt Surface, All Together with the Necessary Appurtenances Thereto and Declaring an Emergency. Second Reading** Res. No. 7640 was read on second reading. Carey moved to place on third, all Yeas on roll call and **motion carried**.

New Business

a. **Motion to Approve a Conditional Sign Permit for Stop-n-Go**

Boggs advised he recommends Council approve such and indicated he wanted to make sure they understood it does not meet the sign regulation requirements as roof signs were not permitted thus, conditional approval was necessary.

Lapehn advised there were roof signs at the shopping center.

Hanlon advised there was a roof sign at Rittman Beverage Center.

Beaumont advised he was given (Conditional) approval (at the Rittman Beverage Center).

Russell inquired as to why they need a sign on top of the roof. He inquired if they were going to remove the existing pole sign. Russell advised he didn't understand why they would want a roof sign when they already have a pole sign.

Lapehn indicated to him, IGA and First Merit and the like all have roof signs regardless if they were flat against the roof or not.

Russell advised they didn't also have a pole sign.

Lapehn advised there was a big one in the parking lot.

Hanlon advised their letter indicates they are going to add signage to the canopy above the gas pumps.

Boggs advised those wouldn't need conditional approval from Council.

Hanlon inquired if we were okay with them refacing the existing pole.

Boggs advised yes.

Hanlon advised PNC came to them when they changed their pole sign.

Boggs advised he believed some of the dimensions were changed.

Hanlon moved to approve, upon roll call; Russell-No, Beaumont-Yes, Carey-Yes, Workman-No, Lapehn-Yes, Hanlon-Yes and **motion carried**.

b. **Ord. No. 7642 An Ordinance of the Council of the City of Rittman, Ohio, Authorizing the Municipal Manager to Accept the Renewal Rates of Wichert Insurance Agency, Inc., Cuyahoga Falls, Ohio on Behalf of Selective Insurance Company for Errors and Omissions Coverage, for All Members of the Fire Department, Property and Casualty, Auto, General Liability, Ambulance Malpractice Insurance, Law Enforcement Liability and Public Officials Insurance Subject to Yearly Audit, for a Term of one (1) Year Effective June 1, 2011 and Ending May 31, 2012 and Declaring an Emergency. Three Readings.** Ord. No. 7642 was read on first reading. Russell moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried**. Ord. No. 7642 was read on second and third reading. Carey inquired if they were going to get quotes for next year. Boggs advised they could although the insurance company doesn't want to provide quotes more than 30 days prior. Boggs advised they didn't want to bid it as they would be overwhelmed. Boggs advised he was hoping the state would offer something like they were discussing with the health insurance and save the city money. Carey advised he knew they could send the cover sheets from the current policy and receive quotes. Hanlon advised the rates went down slightly. Boggs advised it was very insignificant and maybe it would come down even more if they ask for quotes. Russell moved to adopt, all Yeas on roll call and **motion carried**.

c. **Res. No. 7643 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Municipal Manager to Make Application to the Ohio Department of Development to Designate Rittman as a Situational Distressed City in Order to Make Application in the Future for Various Grants and Financial Assistance. Three Readings.** Res. No. 7643 was read on first reading. Carey moved to suspend the rules and have second and third readings, all Yeas on roll call and **motion carried**. Res. No. 7643 was read on second and third reading. Hanlon inquired if this would cause anyone's insurance rates to go up if we (Rittman) are a distressed city or was there any adverse effect (for such a designation). Boggs advised not to his knowledge, but it was simply a classification that ODOD was asking for and simply means that Wayne County as a whole was not designated as a county that was not in a

distressed situation that targeted any city in that county for corps funds which were Clean Ohio revitalization funds. Boggs advised the only way to be eligible for those funds was to make this application for those funds. Boggs advised the Clean Ohio funds were very important to the potential customers at the Caraustar facility. Hanlon inquired if at the workshop regarding the Caraustar facility someone said we were on the Clean Ohio funds list. Boggs advised in 2009 the application was prepared for them and they were added to the list, but it was only good for a certain period of time and they were going to have to keep renewing it if necessary. Boggs advised their hope was to document (Caraustar) as a “full blown” Brownfield site and then they would no longer have to go through this application process. Boggs advised currently there were several counties that were not earmarked for any type of fund and this was the only way to do it. Boggs advised it was his understanding this would not affect insurance rates or anything else, but we were addressing our Brownfield situation and asked to be placed on the list. Beaumont advised it just kind of bothers him that they are voting to be distressed. Beaumont advised he just wanted to be clear that the purpose of this was to deal with the Caraustar situation. Hanlon inquired if our situation were to change after the cleanup of that site would they then pass a resolution to become “undistressed” as there was no date as to how long they were going to claim being distressed. Boggs advised this resolution was not a requirement. Boggs advised was expecting a letter from the Wayne County Commissioners supporting their application and he thought it would be good to have Rittman City Council show that same support. Boggs advised in his mind he felt it would show the state that these elected officials (collectively) were all “on-board”. Russell moved to adopt, all Yeas on roll call and **motion carried**.

d. **Proclamation – National Emergency Medical Services Week – May 15-21, 2011** Mayor William Robertson proclaimed May 15-21, 2011 as National Emergency Medical Services Week and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

e. **Motion to Approve a Conditional Sign Permit for Rails to Trails at the Entrance to the Trail in Rittman** It was noted, the sign would be located beside the trail parking lot between Laria Chevrolet and The Depot. Boggs advised the sign would most likely not meet the setback requirements and the reason for the conditional approval. Workman moved to approve, all Yeas on roll call and **motion carried**.

City Manager’s Remarks

City Manager Larry Boggs advised they will have (legislation) to accept the sidewalk bids at the next meeting. He advised they would also have a contract to review to award the engineering for the Douglas Drive project.

Workman inquired if they were going to do test bores on Douglas Dr.

Boggs advised they haven’t awarded the contract yet and he would talk to them about it, but he didn’t know if it was feasible. He advised he would try to keep Council apprised of how the sidewalk situation was progressing. Boggs advised they intended to mark the areas that needed to be replaced as the next step.

Workman inquired if they have heard anything on the creek (Landis Ditch) behind the shopping center.

Boggs advised they haven’t heard anything from the attorney and he wasn’t sure what their next step would be.

Finance Director’s Remarks

Finance Director Barbara Rissland advised included in the packet were the April Financial Statements. She advised when Wadsworth increased their income tax rate by .10% they estimate the impact to Rittman of that income loss approximately \$13,000. Rissland advised that information was based on 2009 W-2’s filed in 2010.

Lapehn advised she mentioned the income tax collections being down quite a bit, but in March 2010 there was a business income tax collection of \$115,000 and a typical March was between \$3-6,000. He advised it appears we were down \$114,000, but that was not typical. Lapehn inquired as to what was that if it was catch-up from the employees of the school or something.

Rissland advised it was a business profit tax and was related from the sale of a local business.

Carey advised it was a one-time thing.

Lapehn agreed and advised it looked as if they were down 82% in tax collections.

Rissland concurred it was that one basic transaction that happened. She advised if they recall last year it happened near November and the increase and timing of things caught up to it then it was a little more reasonable. Rissland advised she believed they would see that same thing again this year so it was not quite so dramatic when they hit November. She advised this was the reason she provides the 3-year comparison because in one month last year there was this jump and they could see in 2009 and did they have growth over 2009, 2010 and 2011 in the other categories. Rissland advised she felt they were doing okay.

Lapehn advised it was encouraging.

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

Workman moved to approve, all yeas on roll call and **motion carried.**

Council Remarks

Council Member Richard Lapehn thanked Larry (Boggs) for going over the sidewalk information again and for providing the 1965 ordinance that talks about repairs and proper maintenance of the sidewalks and has been in place for 45 years and they were now getting around to enforcing it. He advised he would also like to thank him that there will a board of review to hear complaints and hardship cases that they would be able to bring those before a panel of fellow citizens and fellow voters. Lapehn advised regarding the secession issue it was his feeling that like levy's people vote on when we want to increase their taxes he would like to sees this (issue) go to the voters to vote to secede because it would actually decrease their taxes. He advised he felt The Post would love all the pro and con letters to the editor. Lapehn advised he would like to see it go to the voters as a voting issue regarding the secession from the township.

Council Member Darrell Carey thanked everyone for coming. He advised he was glad to see there was some interest again in the golf club (Rawiga) and he was hopeful it would work out and add some revenue to the withholding.

Council Member Rick Hanlon thanked everyone for coming. He advised if the secession were to go to the voter's maybe they could also get some comments in The Daily Record. Hanlon advised he was fine with setting up a meeting with the township trustees, but honestly he looks at it as not something against the trustees or the tax money they would be receiving as much as he looks at the double taxation on Chippewa Township residents. Hanlon advised no one likes taxes, but when you hear of some who are being double taxed for a service they are not receiving to him that was even worse. He advised according to Kevin (Law Director) they can't do one without the other, but he was more than happy to sit and meet with the trustees to see if there was anything they could do, should they secede, to help them out. Hanlon advised regarding the property maintenance code there was a meeting this next Monday 5/16 to see the current revisions and he believed they were just about ready to wrap up and if possible he would like to schedule a workshop at the next Council Meeting and have time to review.

Council Member Glen Russell thanked everyone for coming. He advised they received the letter from the township trustees (inviting Council to a meeting), but he felt they (trustees) should meet them (Council) on their grounds as he believed most of them were willing to hear and discuss.

Tom Leatherman, resident of Rittman and Township Trustee advised they could meet wherever they wanted although he would have liked them to meet on his turf.

Russell advised he got a call Saturday night from an irate citizen on (East) Ohio Avenue across from the church (empty old Life Tabernacle) complaining that the city had placed a complaint on their church to mow the grass and yet the house and church were being used by the police and fire departments for practice. He advised he (the irate citizen) felt since he was allowing them to use the church and the house for practice that they should at least mow the grass (for him).

Police Chief Mike Burg advised they have to treat everyone equally when giving a warning notice for mowing and they (property owner) mowed it.

Russell advised he (property owner) thought that since he was giving permission to use the house and church that in courtesy they (police and fire) should have mowed his grass. He advised he was just reporting it. Russell invited everyone to come back.

Council Member Bill Workman advised he was glad everyone showed up tonight, all the chiefs and some of the Indians. He thanked Tom (Leatherman) for coming again. Workman advised he has a problem with them always being nice to everyone else and help them work their problems out and yet Wadsworth didn't ask us anything when they cut us \$10,000; they just done it and we're short and that was the problem with all of this.

Council Member Lynn Beaumont advised they had a report from the Police Chief in their packet regarding the junk cars and property maintenance issues and it appeared they were making some progress. He thanked the chief and advised he liked the report. Beaumont advised he disagrees with (Lapehn), as he believes they were put in office to look out for the best interest of the citizens of Rittman. He advised they did their due diligence they had workshops and discussed it very openly. Beaumont advised they have an opportunity to do something very beneficial for the citizens of Rittman and obviously it was going to be Milton's loss if this (detachment) takes place. He advised they were not creating new money here as nobody has any new money, they were just moving money around. Beaumont advised he wants to cooperate and his intention was not to do anything to the townships of Milton and Chippewa, but he was not here to protect Milton Township and he was not here to protect Chippewa Township, but he was here to do what he believes is in the best interest of the citizens of Rittman and that might be a tough call. He advised if we do something to change the income tax credit it was going to be a tough call, but this is what they were elected to do, to do these kinds of things and he just felt it was their responsibility to do that. Beaumont advised he was more than happy to sit down with Tom (Leatherman and the other trustees) as they discussed previously, he had no problem do that, but he felt they (township

trustees) should come to their (Rittman) ballpark. He advised this was something he would like to act on and he believed the situation with Chippewa was even more egregious, as not only were we (Rittman) not getting that money, but we were actually losing money. Beaumont advised he felt they were providing quality service and receiving absolutely nothing for it. He advised it was their (Council Members and city officials) responsibility to take care of the city (Rittman) and that is how he feels about it.

Mayor William Robertson advised the Rails to Trails ribbon cutting ceremony was this Saturday (5/14) at 1:00 p.m. He advised there was a festival atmosphere going on between 11:00-2:00. Robertson advised folks could come down and enjoy the flea market and rail car rides and he would love to see a good community turnout.

a. **Approval of Vouchers 55053 thru 55182 Including Then and Now Certificates** Hanlon moved to approve, all Yeas on roll call and **motion carried.**

Adjourn: - 8:09 p.m.

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

Mayor

Clerk of Council