

**Rittman City Council Met in
A Workshop Meeting
on Monday, June 13, 2011 at 6:00 p.m.**

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

Members Absent: None

Presiding: Mayor William Robertson

Motion to Go Into Executive Session for the Purpose of Discussing the Appointment of a Member to Council to Fill the Vacancy for the Unexpired Term of Bill Workman and Invite the Mayor– 6:03 p.m. Russell objected to the Mayor being invited into the executive session. Discussion included what the court ruling stated regarding the Mayor being included in executive sessions. Carey so moved, upon roll call; Carey-Yes, Hanlon-Yes, Russell-No, Beaumont-Yes, Lapehn-Yes and **motion carried**. The first candidate to be interviewed was asked to stay and approximately every 15 minutes another candidate would be invited into the executive session for a brief interview as the previous one exited with the final 10-15 minutes being Council deliberations.

Motion to Come Out of Executive Session – 7:09 p.m.

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

**REGULAR MEETING
7: 10 p.m.**

Invocation was given Dr. Richard Lapehn, Pastor by followed by the Pledge of Allegiance

Approval of Minutes – May 23, 2011

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

Workshop

a. Discussion of a Proposed Property Maintenance Code for Rittman

Council Member Hanlon advised the document was broken down into seven different chapters. He advised one of the biggest things they had to look at changing was in chapter 3 under General Requirements and on page 13 the section 3.09 titled rental units, registration and inspection required. Hanlon advised the committee spent a lot of time on this particular section and what they basically were all in agreement was that they felt any of the rental units that have four or more units sharing common areas would be required to register and pay a registration fee and be inspected by the fire department. He advised the Ohio Building Code covers 4 or more units in the same building whereas the Ohio Residential Code covers single family homes up to 3 units. Hanlon advised once they get into four or more units it was considered a commercial property and our fire department should be allowed to go in and inspect common areas for safety reasons. He advised that was the purpose of the rental registration fee for each unit. Hanlon advised they were also asking that all property owners with rental units to register those at the beginning of each year, with no fees imposed for a single-family, a duplex or a triplex, but they would like to get the information into the system so if there is a problem then the appropriate people know who to contact. He advised those were the basic changes besides some administration items and there was a table of fees that currently stated they were to be determined. Hanlon advised that was something that Council could look at along with the rest of the document to see if they wanted to come up with some kind of fee schedule or leave it to the City Manager. He advised this (document) would basically give the City Manager the authority to enforce the Property Maintenance Code or appoint someone that he feels was qualified to do so.

Council Member Lapehn advised there was mention of having the authority to appoint a deputy code official other than technical officers, inspectors and other employees. He inquired as to who would be doing the inspections, a fire department personnel perhaps.

Hanlon advised he believed it would be on a case by case basis. He advised if someone were to contact the City Manager's office with a complaint then the appropriate department would be contacted.

Lapehn advised specifically with the rental units and inquired who the compliance officer would be for the annual inspections.

Hanlon advised that would be up to (City Manager). He advised he would assume each complaint would be handled and given to the appropriate department. Hanlon advised there were

plumbing and electric issues in the code, but the code was written so you didn't need to be a licensed plumber or electrician to inspect for an issue.

City Manager Boggs advised the thing he wanted to reinforce with what Hanlon has stated was that he was not really interested in the fee structure and he advised Council of the same several years ago. He advised they have a problem because the small maintenance section the city has in its code book currently is obsolete. Boggs advised our codified ordinances refer to the Wayne County Building Code, which was probably retracted fifteen plus years ago. He advised the county adopted the Ohio Building Code, but it has no property maintenance statutes in it whatsoever. Boggs advised this (document) is a start and he knew they tried to pass something previously, but that (proposal) discussed inspecting all rental properties and they (city) were not trying to do that. He advised they (PMC Committee) felt the only significant rental properties that would possibly need inspected by the fire department were those with four or more units under one roof since those were more susceptible to fires. Boggs advised the rest of the (proposed document) was the basics as we don't have much in our codified ordinances to deal with nuisances that detract from the rest of the neighborhood. He advised this (proposed code) does not cover anything, but he felt it was a start. Boggs inquired as to how Council wanted them to proceed and advised it was his intention to put this on the agenda for passage in the near future.

Lapehn advised he would suggest posting this on the city website or picking up a copy at City Hall as a piece of proposed municipal legislation so owners of rental units would have a chance to review it. He advised let them know this was under consideration and have three readings over the summer would give people 90 days to look it over. Lapehn advised he felt that would be helpful for those who own rentals. He advised the document refers to the City Manager being the authority who is responsible for the enforcement of the code. Lapehn inquired as to the limitations of the City Manager's responsibility or was everything in his lap.

Boggs advised he felt it gives the authority to him to delegate to whomever he would choose.

Hanlon advised if they look at the electrical or plumbing enforcement issues he felt there was not much there that would require a licensed (ie electrical/plumbing) inspector, but was more of a visual thing. He advised and the Wayne County Building Code, which is referenced in our current code, falls on the City Manager or his delegate to enforce.

Russell inquired regarding *right of entry* on page 2 in Chptr 1 section 104.4 as to how that would be handled or the purpose of said entry. He inquired if there would be a knock on the door saying they wanted to look at the property or would they give official notice.

Boggs indicated they would certainly not force entry. He advised if they were denied entry then they would go to the next step allowed by law. Boggs advised an example would be if they believed there was a health issue to the community such as an abandoned house that is believed to house a lot of cats. He advised if they were refused entry they would apply to get a court order to enter the house and investigate such a claim.

Beaumont inquired if the format for this proposal was from another jurisdiction.

Hanlon advised it is a revision taken from the International Property Maintenance Code and adapting it to our small city.

Beaumont inquired as to the legality of it.

Bower advised he has not had a chance to read it other than speed reading through it briefly. He advised Wooster has basically adopted the International Property Maintenance Code.

Beaumont advised he would like some time to read it more thoroughly. He advised he would like to give time to hear people's ideas about this proposal.

Hanlon advised if it was on the July agenda and they have first reading in July and then one in August and one in September that would be three months and with it posted on the website and possibly a reporter might do a story and get a little coverage. Hanlon advised he felt they would hear from people by August or September as to their opinions regarding this proposed code.

The clerk noted the index would be available by the next Council Meeting.

The Mayor thanked those involved in working on it as it was not an easy task and he was sure the City Manager would be happy for a tool to use for enforcement.

b. Discussion of Approval of Hiring an Engineer to do a Safety Study for the Safe Schools Grant. Boggs advised there was a grant available from the Ohio Department of Transportation that could possibly provide sidewalks in areas without them that were low income and children within a certain distance of the schools. He advised he was looking at the target area of Home Street and Nautilus Lane and that area. Boggs advised a lot of those properties were rentals and there were a lot of children and he doesn't know why they were developed without sidewalks. He advised he also was looking at the safe schools grant program for a study of Metzger, Sunset and Saurer Streets near the school campus to pay for street widening where the turn lane was added at Metzger and Sunset. Boggs indicated to be eligible for the safe schools grant they have to do a safety study that involves the city and the school system by certain approved certified consultants and he is in contact with one such consultant. He advised while he understood it was within the City Manager's domain (to approve), but he wanted to see if Council was interested in going through with this (application process) or continue with the phase program with the sidewalks. Boggs

advised this (grant) could provide more than just sidewalks. He advised the study would cost approximately \$5,000 and once completed it could be used for several grants and other studies. Boggs advise if Council agrees he would like to spend the money to move forward with the study.

Hanlon inquired since it was partly a sidewalk issue if part of the \$50,000 set aside for the sidewalk project be used for this study, if there were enough funds available after the work was paid.

Rissland advised yes, they should be able to do so.

Lapehn advised he felt it was a great idea and it was smart to work with the schools as there would be 1,000 kids that would be walking around that area every single day of the year. He advised if there were an accident that could be preventable that could happen in that area it behooves them to do their part to keep anything from ever happening.

Beaumont advised he agreed and inquired if the Finance Director was comfortable with it.

Rissland advised yes.

No opposition was stated.

Citizens Forum

William Bailey of Lane Street advised regarding the ordinance passed (in recent years) about fires that are permitted on residential properties. He advised they have a situation where a neighbor has a fire pit 15' from his back door or 20' from his neighbors back door and the police have said there wasn't anything they could do about it. Bailey advised the ordinance states it (fire) has to be 50' from any combustible dwelling unless it sits in a fire safe containment area. He inquired as to what that meant.

Boggs advised this was something he could certainly research and get back to him on, but without having looked at the property or talk with the police department in order to give a proper analysis of the situation he couldn't say off-hand. He advised he would get in touch with him after the meeting and take a look at the situation.

Mayor Robertson thanked everyone for coming and advised Council interviewed six candidates for the vacant Council seat. He advised there were different perspectives and discussions from each and he appreciated everyone who applied and Council had some excellent discussions.

Old Business

a. **Ord. No. 7644 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Accept the Proposal of Engineering Associates Wooster, Ohio for the Douglas Drive Waterline and Street Improvement and Declaring an Emergency. Second Reading.** Ord. No. 7644 was read on second reading. Carey moved to place on third, all Yeas on roll call and **motion carried.**

b. **Res. No. 7645 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Declaring it Necessary to Proceed with the Sidewalk Improvement Project from DeCoursey Along W. Sunset to N. Metzger (north side where developed and south side), N. Metzger (west side) to Rittman Avenue, Rittman Avenue to Pleasantview (north side) to Rittman Avenue, Rittman Avenue to Pleasantview and N. Hickin by Replacing Sidewalks in Disrepair or Installing Sidewalks Where Necessary All Together with the Necessary Appurtenances Thereto and Permitting Participation in the Project for Those Who Choose in Other Parts of the City and Declaring an Emergency. Second and Third Reading.** Res. No. 7645 was read on second reading. Russell moved to amend to include the developed north side of W. Sunset as well as the south side, all Yeas on roll call and **motion carried.** Lapehn inquired if it would include the north side that dead ends into DeCoursey. Russell advised no, just the (developed) north side where there were 3 existing houses w/out sidewalks. Boggs advised this was not a problem as he initially included those (properties) in the phase and missed it at the last reading, but it was his intention. Boggs indicated he would recommend adopting this tonight as it would take time to send out notifications of the affected property owners, etc. Hanlon moved to suspend the rules and have third reading as amended, all Yeas on roll call and **motion carried.** Res. No. 7645 was read on third reading as amended. Carey moved to adopt, as amended, all Yeas on roll call and **motion carried.**

c. **Ord. No. 7646 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Accept the Lowest and Best Bid of Mid-Ohio Concrete of Holmesville, Ohio for the Sidewalk Improvement Project and Declaring an Emergency. Second and Third Reading.** Ord. No. 7646 was read on second reading. Lapehn moved to suspend the rules and have third reading, all Yeas on roll call and **motion carried.** Ord. No. 7646 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

d. **Ord. No. 7647 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 7623, As Amended, According to the Attached Sheet(s) and Declaring an Emergency. Second and Third Reading.** Ord. No. 7647 was read on second reading. Carey inquired if passage was needed that night. Rissland advised yes and she indicated two items were the repair of influent pumps at the water and waste water treatment plant. Rissland advised the item that was added was the 2 ½ ton dump truck as part of the USDA grant and if they don't order it soon it won't be here in time to use it for plowing snow. Hanlon moved to suspend the rules and have third reading, all Yeas on roll call and **motion carried.** Ord. No. 7647 was read on third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

New Business

a. **Motion to Appoint Steve Johnson As Council Member of the City of Rittman to Fill the Unexpired Term of Bill Workman** Mayor Robertson advised the term would expire 12/02/2013. Beaumont so moved, upon roll call; Hanlon-Yes, Beaumont-Yes, Russell-Abstain, Carey-Yes, Lapehn-Yes and **motion carried.**

b. **Oath of Office – Council Member**
Mayor William Robertson gave the oath of office to Steve Johnson.

Beaumont advised as the current President of Council he and the rest of Council were so encouraged so many qualified candidates who wanted to be a part of this governing body. He advised it was really encouraging to know people care about what we do and were so interested in the workings of the city and want to have some input in how the city is managed. Beaumont advised even though they may not have been the one chosen he encouraged the remaining candidates to volunteer as they may and continue to be active in the community and on behalf of Council he thanked all of them for their interest and wanting to be one of them.

c. **Ord. No.7648 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manager to Accept the Lowest and Best Bid of Bogner Construction, Inc., Wooster, OH for the Waste Water Influent Screen Installation Project and Declaring an Emergency. Three Readings.** Ord. No. 7648 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. 7648 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

d. **Ord. No.7649 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manger to Accept the Lowest and Best Bid of R. A. Bores Excavating, Inc. of Monroeville, Ohio for the Salt Street Waterline Improvement Project and Declaring an Emergency. Three Readings.** Ord. No. 7649 was read on first reading. Lapehn inquired as to how soon this work would begin. Boggs advised they have to get going as soon as they possibly could because this was with the Issue 2 funds and the project was a bit behind because the engineering took more time than originally thought so, they were “under the gun” with this project. Russell moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Ord. No. 7649 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

e. **Proclamation – Amateur Radio Week – June 20-26, 2011**
Mayor Robertson proclaimed Amateur Radio Week as June 20-26, 2011 in the City of Rittman and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

f. **Ord. No.7650 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio to Enact Section 513.17 of the Codified Ordinances of the City of Rittman to Prohibit the Use, Possession, and/or Sale of Synthetic Cannabinoids and Other Synthetic Drugs and Declaring an Emergency. Three Readings.** Ord. No. 7650 was read on first reading. Lapehn moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Ord. No. 7650 was read on second and third reading. Lapehn advised this was banned in Europe, Canada, Australia and three US states – Florida, Pennsylvania and Texas and he inquired if there was anything on the books in the Ohio legislature presently to ban these in the whole state. Bower advised no; nor at the federal level. Bower advised we are cutting edge. Beaumont advised he believed Chief Burg deserved a lot of the credit for this (piece of legislation) and he felt he should be congratulated. Russell moved to adopt, all Yeas on roll call and **motion carried.**

g. Res. No.7651 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Directing the City Law Director on Behalf of Council to Petition the Board of County Commissioners of Wayne County, Ohio to Conform to the Corporate Limits of the City within Chippewa and Milton Townships to be Coextensive with the Corporate Limits of the City and to Create a New Township Known as Rittman Township. First Reading. Res. No. 7651 was read on first reading. Hanlon advised he would like to amend and include an effective date of January 1, 2012. Bower advised that would be in the petition and he didn't know if they would want it January 1st or (the previous day) December 31st. Beaumont advised he felt they would want to start this next year and morph it over from this year to next year's tax year. Hanlon advised that could be taken care of in the petition filed by the Law Director after this (legislation) was passed. Hanlon advised that was fine. Bower advised it would be sometime in September assuming Council does their three reads (over three meetings) and note there was no emergency clause. Bower advised because there was no emergency clause then after the third reading, assuming it was advanced all three readings, it must sit for thirty days taking it until September. Bower advised in answer to a question by Russell that the petition would be a formal request on behalf of the city to detach from Milton and Chippewa Townships to form its own township. Bower advised there were some requirements such as a map along with his formal request and he would make it effective 12:00am January 1, 2012. Russell inquired as to the boundaries. Bower advised the current city limits and Rittman Township would be a "paper" township just like Wadsworth has their own township called Pardee because there was an existing Wadsworth Township (at the time they formed their own). Bower advised Wooster City was its own township called "Killbuck" and he picked Rittman. Bower advised it was a "paper" township and there would be no township trustees. Hanlon withdrew his amendment. Hanlon moved to place on second, all Yeas on roll call and **motion carried.**

h. Ord. No.7652 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manager to Amend Sectionis 191.02(a), 191.04(a), 191.05(a), 191.05(c), 191.10(b)(2), 191.16 and 191.18(a) and to Establish Section 191.02(i), 191.02(j), 191.02(k), 191.04(f), 191.05(f) 191.15(h)(i)(j)(k), 191.19 and 191.20 of the Codified Ordinances of the City of Rittman, Income Tax Pursuant to the Attached Exhibit. First Reading. Ord. No. 7652 was read on first reading. Carey advised most of these changes have little or no effect on the taxpayers, but was mostly to make the code more black than gray (clarify) and give the tax department more teeth. Carey advised 191.20 regarding landlords (the city) would like to have all the landlords fill out the form and it currently states (2) or more and he would move to amend to say (1). Carey advised the other issue was the net operating loss (191.02(i)) and it was discussed at length regarding loss carryovers. Carey advised they were trying to decide how to handle it as they wanted to do what was relevant to the area as some cities allow and some don't and he didn't believe they came to an absolute decision as to the number of years to allow (a loss carryover). Carey advised he would recommend placing on second and getting back with the tax department to see their view of the situation. Hanlon inquired if there was any chance we were going to change our tax form to make it more user friendly for those who are small business owners or were we going to continue to use the almost blank piece of paper we were currently using. Carey advised that was probably up to the tax department, but he agreed there could be some changes made. Hanlon advised he could think of other communities that have a much more user friendly form that what we (Rittman) were using. Carey advised he agreed there really was nowhere on the form to put small business information, but to attach your Schedule C from your federal form. Carey advised they would probably discuss that issue at the next meeting. Boggs advised the forms could be printed off the city website or could be picked up at City Hall, the Post Office or the Library, but they were no longer mailed out. Beaumont inquired as to how many years on the federal form allow a loss carryover. Carey advised fifteen. Beaumont inquired as to what towns around allow. Carey advised most of them allowed three years. Boggs advised Orrville doesn't allow any, Doylestown doesn't allow any. Carey advised Wadsworth allows. Boggs advised Wooster and Medina allow 3-5. Carey advised Akron allows three years. Carey advised what they were looking at was trying to make the City of Rittman comparable to our biggest competition as far as being able to draw business here and offer them the same type of tax treatment as the surrounding areas. Beaumont advised it would be a benefit to small businesses especially with the economy although he wasn't agreeing they should allow 15 years (of loss carryovers). Boggs advised virtually when they take \$40,000 out of our pocket that we don't have to give. Beaumont advised he felt there had to be a balance. Russell inquired regarding section 191.02 if there were a lot of people who use that as it seemed odd to claim taxes on your sick leave. Carey advised if the employer pays all the benefits and the employee pays nothing for their sick pay that would be the only time they include it on a W-2 form. Carey advised if the employee has their own sick pay insurance then that would not be taxable. Russell inquired regarding section 191.15(i) for parsonage allowance as to what they really consisted of. Carey advised that is the exemption from the state income tax and those types of expenses were also exempt from federal tax. Carey moved to amend section 191.20(a) where it states owns "2 or more dwelling units" to read "1 or

more dwelling units” regarding rental property, all Yeas on roll call and **motion carried**. Lapehn moved to place on second, as amended, all Yeas on roll call and **motion carried**.

City Manager’s Remarks

City Manager Larry Boggs advised he would like to thank those who served on the committees, as they worked over a year on the Tax Committee and approximately a year on the Property Maintenance Committee with city employees, department heads, council members and citizens. He advised there were some late evenings and early mornings spent in discussions and he appreciated all the help, hard work and support as they each have been a long time coming.

Finance Director’s Remarks

Finance Director Barbara Rissland advised Council has in their packets the May Financial Statements and things were pretty much where they thought they would be although they still did not have any good news regarding the state budget. She advised they were kind of on hold until that (state budget) was finalized. Rissland advised they finished up this week with most of the audit field work and they should be having an exit conference fairly shortly. She advised the financial statements themselves should be released by the state sometime in August. Rissland advised the tax budget was coming up and as soon as it was finalized she would get it out to Council and they would need to have a public hearing and pass it at the July meeting and send it to the county. She advised this was not the actual budget, but the tax budget and they would be coming to Council later in the fall with the actual budget.

a. Approval of Financial Report for May

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

Council Remarks

Council Member thanked everyone coming. He advised he would especially like to thank all the candidates for applying for the vacant Council seat. Carey inquired when the Apostolic Home installs the waterline along Benner Rd. if property owners along that line would be able to tap-in.

Boggs advised they would be able to tap-in, but there would be some pressure testing done first since it is an extended line. He advised as part of the city’s plan they have been working on over the last five years such as the Salt Street waterline replacement, the Douglas Drive project and soon the Fairlawn Avenue project would begin and in conjunction with those the final phase would be a new water tower. Boggs advised they were trying to save money and would hopefully receive some grants for it, but a third water reservoir/tower was needed and hopefully it should increase the water pressure to the outlying areas quite a bit. He advised he knew there were several property owners along that line (to the Apostolic Home) that were interested in tapping in and as long as the pressure was adequate they would be able to do so.

Council Member Rick Hanlon thanked all the applicants. He advised there were some nice resumes and nice interviews and he encouraged them to run for election in November. He advised Mr. Workman was appointed to the CIC board (as a Council representative) and he inquired if Mr. (Steve) Johnson would fill that position or did they need to appoint someone else.

Boggs advised Council will need to appoint a new member to the CIC and it was up to Council as to how they want to handle it.

Hanlon advised he would ask the Council President to look into how he wanted to handle that and as a CIC member he would like another Council Representative on that board appointed as soon as possible. He advised he hoped to see the property maintenance (legislation) on for the July meeting and he thanked everyone for coming.

Council Member Steve Johnson thanked Council for putting their faith in him and it was a blessing to get a chance to serve the city again. He advised he felt the city was in good hands and there were 6 good candidates and he felt there were people better than him who were very qualified as there were a good bunch of applicants. Johnson advised it was sad to take a seat in this manner due to the death of a Council Member and having participated previously on Council when Ray Mullet died he understood both sides of filling that vacancy. He advised he looked forward to working with Council and he thanked everyone.

Council Member Richard Lapehn advised there were six excellent candidates for City Council tonight and he thanked all of them who came and gave of their time and prepared wonderful documents for them (to consider). He advised Rittman was so well served in view of the interest from those who wish to be serving on Council. Lapehn inquired regarding the financial statement in the memo income tax revenues were down considerably as compared to last year. He advised he felt he looks at the figures a little differently. Lapehn advised other than March of 2010 where there was an unusually large business income tax revenue month; he felt the numbers this year were very positive considering the climate they were in the last two or three years.

Rissland agreed and advised that was the reason she includes the month to month and three year comparison so they could see that, but it was accurate to say we were still down \$92,000 on

income tax collections. She advised in her mind she felt they couldn't say everything was good as it was a substantial loss although it was one month.

Lapehn advised he felt that was an anomaly.

Rissland agreed it was an anomaly, but...

Lapehn advised withholding was up this year by several percentage points. He advised resident income taxes were holding steady and business he felt was in the ballpark. Lapehn advised he was kind of heartened by the numbers after reading the financial memo and then looking through what he thought...He advised he understood what she was saying, but he didn't feel it was as bad as he expected it to be.

Rissland advised she would agree and they always like to see one of the more sustainable types of income tax increases as going to be withholding as that means jobs. She advised the profit tax was going to be the most profitable and resident tax was dependent upon other communities tax rates and if they increase their tax rate we (Rittman) were going to lose. Rissland advised while she agrees she also looks at the comparison and we are less than we were in 2009. She advised we are paying more for our services and that was a large source of revenue and it was a precautionary statement and not a status of what was happening with intergovernmental revenue, but it was still a large source of revenue and she agreed the withholding was very positive as that was where they wanted to see the increase happen.

Council Member Glen Russell thanked everyone for being here. He advised he appreciated the six candidates who gave their proposal to Council tonight and he felt all six candidates were excellent and he hoped they would continue to come back and be interested in the city. Russell advised at the Depot Restaurant there was a building and he inquired if the land was owned by the CCC.

Boggs advised the CIC (Community Improvement Corporation).

Russell advised he thought Council voted on that type of stuff.

Boggs advised the CIC was a separate entity and there were Council Members who were representatives on that board.

Russell inquired if someone else wants to come a long and put a business there then what was the procedure.

Boggs advised the same as the building (in question) they (CIC) would consider it.

Russell inquired if there was time to change the Charter on the Mayor sitting in on executive sessions to be voted on in November.

Bower advised he believed so as he thinks the deadline was the third week in August for that (to be placed on the ballot).

Russell advised he would like to propose that we put it on the ballot for the voters to vote on. He advised he believed in 2006 it was changed and initially he was against keeping the Mayor out of executive sessions, but they put it on the ballot and the residents voted to keep the Mayor out of the executive sessions and he would like to put it back on (the ballot) where the Mayor can legally be in executive sessions without being opposed to him being there. Russell advised he was not against the Mayor being in executive sessions, but he was just trying to uphold the Charter and he was a little bit disappointed the rest of Council doesn't at least uphold the Charter.

Carey advised he asked if the Mayor was allowed to be invited (into the executive session).

Russell advised the last time after they voted they were definitely not invited. He advised he felt they have leniently inviting him in (to exec session) and we haven't had a problem. Russell advised he was of the opinion that the Charter was voted on by the residents and he felt he was just upholding the Charter.

Beaumont advised but the Charter doesn't say that.

Bower advised no, it says that Council can invite whomever they wish into their executive sessions. He advised they don't have to invite anyone or they could invite the Mayor or the Law Director, engineers, the City Manager. Bower advised it was purely up to Council.

Beaumont agreed and advised that was why we vote on it.

Robertson advised he didn't believe he (Russell) wanted the Mayor automatically included.

Russell advised he doesn't have a problem with the Mayor being automatically in any meeting as long as the Charter says so.

Robertson advised he felt it was their (Council's) choice and he believed that was the way the Charter states it. Robertson inquired of Russell as to what he would change it to.

Russell advised change it to however they had it before where the Mayor could be in it.

Beaumont advised it was to the pleasure of Council now and they can invite into executive session the people they designate.

Russell advised it was at the pleasure of Council before and Steve (Johnson) you were in on it and it became a political thing and Steve knows as well as I do and we know why it was put in there and it was to keep the Mayor totally out of executive sessions. He advised even before it was voted on (by citizens at ballot) he purposely made motions to keep the Mayor in executive sessions and she was voted out of it. Russell advised so then it was put on the ballot to keep the Mayor out of executive sessions that they could have no judicial power whatsoever. He advised when the Mayor was invited in he wasn't supposed to have any discussions in what Council was doing.

Johnson advised his recollection was that at that time the Mayor's argument was that the Mayor belonged in executive session and that Council didn't have the right to say yes or no and the Charter amendment gave the power to Council to decide. He advised that was what the voters decided as to who was in executive session rests with the Council and at that time the Mayor had said that the Mayor had the right to be there and couldn't be excluded and the purpose of the Charter amendment. Johnson advised it wasn't in front of him to read, but that is what he recollects and the voters decided and it was set up so that Council was the arbiter as to who was in and who was out depending on the needs of Council and who they wanted in.

Russell advised he would like for Kevin (Bower, Law Director) to pull that up as to what was voted on and report back to the next meeting.

Bower advised he would defer to the clerk.

Russell advised that was all and he wished everyone a nice evening and to come back.

Council Member Lynn Beaumont had no remarks.

Mayor William Robertson advised Rachel Steiner of the Lion's Club held a 5k run on the new trail last weekend and it was a great success. He advised he believed there were almost 15 participants and it was a great fundraiser for the Lion's Club and great use of the trail.

Hanlon advised the Lion's would be holding the event again next year.

Robertson advised that was great.

a. Approval of Vouchers 55282 thru 55363 & 110501 thru 110503 Including Then and Now Certificates (Excluding 55288, 55295, 55301, 55314, 55317 and 55318) Hanlon moved to approve all Yeas on roll call and **motion carried.**

Adjourn: - 8:32 p.m.

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

Mayor

Clerk of Council