

**Rittman City Council Met in  
A REGULAR MEETING  
on Monday, September 12, 2011 at 7:00 p.m.**

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

**Members Absent:** None

**Presiding:** Mayor William Robertson

Invocation was given by Rev. Timothy LaBouf followed by the Pledge of Allegiance

**Approval of Minutes – August 8, 2011**

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

**Workshop**

**a. Discussion of the 5-Yr Capital Improvement Plan**

Finance Director Barbara Rissland advised this was year 2 of the 5-Yr Capital Plan adopted last year. She advised it was important comparing what was actually (completed) versus what was budgeted. Rissland advised she would have that information at the end of this year and they could go through and see how many projects actually got done and what they have to carry forward. She advised as they review the information provided there was a brief description of the capital plan and what projects were slated for each year over the next five years and then spreadsheets which show five year history, current year budget and five years out.

Rissland advised the Capital Improvement fund was basically driven by income tax and grants. She advised they could see with the projects slated on the 5 Yr. Cap Plan, that they still had a positive fund balance in 2016. Rissland advised that was good and gives them some flexibility in case they get any grant funds to be able to meet the city's match.

She advised the next was the Debt Service fund which basically what transfers into that fund pays for any debt service payments. Rissland advised here they were transferring money in from the Capital Improvement fund to pay for the recreation center approximately \$120,000 a year. She advised they were also required to meet 10% of the 25% income tax being spent on Park and Rec Capital. Rissland advised if they need to they could meet that requirement with a transfer into Debt Service which would free up some money for future street improvements.

She advised next was EMS and although they lost the Tangible Personal Property Reimbursement they were still self-supporting and the chief has requested money be put in reserve for both an ambulance replacement and potential facility replacement. Rissland advised with those monies being put in reserve EMS has a deficit fund balance by 2016 and she suggests if that holds true then some of that money not be diverted for facility replacement and instead be used to meet operations.

She advised Cemetery Endowment fund looked good.

Rissland advised in the Water fund it was important because with the rate increase they could use the money for capital projects. She advised most of the capital done was well maintenance, filter restoration and painting the water tanks. Rissland advised if they receive any Issue 2 grant funds the city would need to have matching funds and they might have to shuffle some of those projects around.

She advised the Sewer fund was strong and they have monies available for sanitary sewer rehabilitation. Rissland advised even with the monies coming out for the sewer jet and a truck they purchased earlier this year the fund was still strong in 2016.

Rissland advised the final fund was the Fire Dept. Levy fund and 25% of the proceeds from property tax is to be spent for capital projects. She advised she gave a designation of what that capital should be on the spreadsheet and adjusted the transfer from General Fund into that fund to ensure we have those monies reserved. Rissland advised they (fire dept) have also lost Personal Property Tax Reimbursement from \$37,000 in 2010 to zero in 2013. She advised some of the other funds they were losing in both fire and EMS were Utility Deregulation, monies that were coming back from the state, were gone immediately.

Rissland advised she also took into account property values being down and estimated they would have some drop in property tax revenues. She advised of note was the required transfer-in from General fund goes from \$25,000 in 2011 to \$67,000 in 2016, which may be difficult due to the fact they were trying to maintain as much as they could in the General fund.

Rissland advised they intend to bring the budget next Council Meeting and they would have the General fund spreadsheet at that time. She advised Council could then see some of the interaction with some of those transfers in and out.

City Manager Boggs advised after meeting with Fire Chief Sweigert it was apparent to him the city was “spinning their wheels” on trying to save money toward a new fire truck. He advised the cost of purchasing said truck goes up every year, the same as any other piece of equipment, but this was a significant increase with the last quote being around \$525,000. Boggs advised he knew Andy (EMS Chief) was working on a grant and if it should be successful they might have the possibility of getting a fire truck at very little expense to the city. He advised they were one of thousands applying for these grants based on a ranking system. Boggs advised if the grant isn’t successful and they need a fire truck they might have to consider a specific levy just for that particular piece of equipment. He advised the fire truck they want to replace has been taken out of service and was not in operation at this time. Boggs advised he believed 5 years ago they discussed trying to save to buy a (fire) truck and with the budget process they haven’t accomplished a tremendous amount of savings.

Rissland advised the reserve (fire dept fund) was up to \$163,000 at the end of 2010.

Council Member Lapehn inquired regarding the Water Fund toward the end of 2016 for Capital Outlay as to what assumptions were being made for the \$188,000 as opposed to 2014 of \$30,000.

Rissland advised if they look at individual projects they could see what projects were plugged in. She advised the problem with the Water Fund was that even with the increase it wasn’t able to sustain a project in the \$150,000 - \$200,000 range each year. Rissland advised she moved some of the requested projects around so that every other year there would be a bigger project. She advised if there was extra money due to not all the funds being spent or from the sale of assets they could always increase the project that year.

Lapehn inquired as to how close they were on paying off the loans on the water plant.

Rissland advised she believed 2023 for the water control plant. She advised they had 20 years for the sewer plant. Rissland advised if they notice the debt service in that fund drops off and she would suggest increasing the principle payment on that, which USDA said they could do by some each year and they would save substantial amounts of interest. She advised she believed that debt was at 5%, which was high for right now and pay down every year. Rissland advised they did the \$60,000 this year due to the sale of assets and she suggested once some of that other debt falls off they continue to do so and they probably would save 2 years debt service just by paying that \$60,000 off.

Council Member Hanlon inquired as to the proposed painting of the Metzger Ave. water tower in 2015.

Utilities Director Metcalf advised they recently had an inspection and it has been approximately ten years or more since it was last painted.

Rissland advised this (5-yr cap plan) was a planning tool and if circumstances arise it was subject to change and she felt the reason it was important to follow-up with “how did we do with what we planned to do?” and we would be doing that at the end of the year. She advised it also gives an idea of the revenue and expenditures and what needed to be done as far as long term revenue growth or expenditure decreases.

Council Member Glen Russell inquired as to why the one fire truck was removed from the fleet.

Boggs indicated the fire dept. felt it wasn’t cost effective, as it was constantly requiring repairs.

Russell inquired as to how many miles were on it.

Boggs advised he didn’t believe it was so much the number of miles on the vehicle as it was the age of the vehicle. He advised it was not the engine, but the chassis and the pumps.

Rissland advised if there were any questions about specific projects or items listed, Council could ask her or the department head.

### **Citizens Forum**

Chandelle Taras of Windswept advised the parents in her neighbor would like to see Trick or Treat held on Saturday for the safety of the kids and convenience of the parents who work and school. She advised they were open to any time on that date. Taras advised she also wanted to hold a chili cook-off fundraiser for the scouts and she was looking for direction as to where she could go for a place and organizational assistance.

Mayor Robertson advised Paul Burton, the owner of the Coffee Connection was wanting to do some sort of fall festival as well as Mindi Vance the Chamber Director was wanting to have some sort of chili cook-off and maybe these individuals would be interested in coordinating together for such an event.

Hanlon advised the American Legion might be a good place to hold (such an event) and the Boy Scouts meet there on Monday nights.

Boggs advised the fire department might help sponsor such an event. He advised they have the kitchen and bay area where they hold the pancake breakfasts.

Lapehn advised the Recreation Center usually holds a fall festival although he didn't know what date has been set. He advised she wouldn't want to conflict with their date.

Taras advised if they were to coordinate with the Fire Dept they would be willing to coordinate funds to go toward a new fire truck as well. She advised the kids love to see the fire trucks and would be excited to know they were helping in a small way.

Robertson advised she could speak Garrick (Di Salvo), Recreation Director to see if her chili cook-off would fit in with the centers fall festival. He advised there was also the possibility of using (with permission) the old high school facility (Rittman Board of Education offices) at 100 Saurer St.

Carey advised the old high school has a nice cafeteria available.

Dave Tabaka of Pleasantview Drive advised regarding the 9-11 remembrance ceremony held at the (old) high school that it was beautiful, just a beautiful thing. He advised for those who missed it, they really missed something.

Tabaka advised he sent an email to council regarding the equalization board appeal hearing. He advised he doesn't know what council's intention was for that hearing and what they believed it would be, but he found out in that hearing that the only thing that board was empowered to hear were arguments based on if they thought they were disproportionately being assessed with respect to the others. Tabaka advised he believed the only criteria was what everyone was being charged per section of sidewalk, which struck him as odd because he doesn't know why anyone would think that would be a circumstance that existed. Tabaka advised he didn't hear anyone complain they were being charged more than the guy next door. He advised there were three who appealed and each had their own reason and no one mentioned the fairness in cost as an issue. Tabaka advised and that was the only thing the (Board of Equalization) was willing to listen to. He advised he would like to know if council felt they received a fair hearing.

Tabaka advised he would also like to speak to council about the proposed property maintenance code. He advised in listening to council discuss this policy in previous meetings he was hearing that it would apply to structures containing 4 or more units and that was true for chapter 7. Tabaka advised they had a 22 page document and one page was pertinent to multi-family apartment buildings. He advised the rest of the document pertains to every property in Rittman. He inquired if that was council's understanding and advised he did not hear that come across. Tabaka advised the scope for most of the code would apply to all existing properties. He advised just so there was no confusion he reiterated that it was every property in Rittman. Tabaka inquired if they (council) wrote the proposed code or borrowed it from another municipality.

Hanlon advised the origin was taken from the International Property Maintenance Code. He advised the committee cut out a lot and modified it for the City of Rittman.

Tabaka advised he would like them to cut out about 80% of this (proposed code), but he would start with **the right of entry** pg 2 section 104.4. He read, "*The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.*" Tabaka advised he felt like it sounded like a contradiction in itself. He reiterated, the code official was authorized to enter your property. Tabaka advised the code official could show up at my house and say he was coming in to look for violations of our code. He advised that was worst case scenario, but he felt that when it comes to this kind of stuff he felt that was what he had to look at. Tabaka advised section 140.2 "**Rule-making authority.** *The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures;...*" He advised there was a pretty big power for a code official who would not be an elected official as a rule maker not accountable directly to the voters. Tabaka advised also section 105.1 "**Modifications.** *Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent...*". He advised the way he interprets that is that if the code official finds the code itself to be in his or her way of pursuing a property owner that he or she could do what they want. Tabaka advised that would be how he would interpret that (statement) and if someone else saw it differently he would like to know. He continued with section 106.4 "**Violation penalties.** *Any person who shall violate any provision of this chapter, or any code adopted herein, or fails to comply with any lawful order issued pursuant thereto, is guilty of a minor misdemeanor and shall be fined not more than one-thousand dollars (\$1,000.00) or imprisoned not more than 6 months or both. Each day during which non-compliance or a violation continues shall constitute a separate offense.*" Tabaka inquired seriously?

Boggs advised that was in the current regulations now.

Tabaka advised when he read into the details of this code it even talks about flaking paint around window frames. He advised so a code official could come to his house and say he has peeling paint on his window frames...

Boggs advised for example, a situation he dealt with when he was on the police department, they had a property with several junk cars on it and the owner refuses to clean it up. He advised they had a couple of instances where a few property owners want to challenge the system and when

they were issued a citation it was paid for one day. Boggs advised so one of the other tactics they used to get their attention was take it to the Wayne County Prosecutor and every day it was a separate violation. He advised there was still an ongoing case and every day was a new violation logged by the officer and then when it goes to court, the court has more power to deal with it than a simple minor misdemeanor citation. Boggs advised that was nothing new. He advised and regarding your (Tabaka) issue on the right of entry, he didn't believe it says what he was (implying) it says. Boggs advised it says, "*if entry is refused or not obtained the code official is authorized to pursue recourse provided by law*". He advised what that means is go to the prosecutor or judge and ask for a search warrant if it was deemed necessary.

Tabaka advised he was just reading it as is and he wasn't trying to take any words out. He advised regarding junk cars, he realized there are gross violations, but when you read through this code they were talking about the size and type of numbers that could be placed on your house that make up your address.

Boggs advised that was currently under the 9-1-1 regulations. He advised the reason why the committee looked at this maintenance code was because there is a section in the current (codified) ordinance books that had a small property maintenance section, but it all referred to the Wayne County Building Code, which was abolished probably 15 years ago. Boggs advised we had to do something different and they formed a committee that met for approximately a year studying this (document) and he wasn't saying it was perfect, but now it was in front on council for passage to eliminate the gap we had with the old property maintenance enforcement.

Tabaka advised he wouldn't argue that something needed to be done especially when it comes to poorly managed apartment buildings, as he has seen some firsthand and he knows what kind of conditions can exist. He advised what concerns him was the depth and scope and latitude in this legislation, not to mention cost. Tabaka advised we just saved approximately (\$45,000) detaching from the township. He advised he felt the city was sure to spend that and then some on this new department.

Boggs advised he agreed the city could not afford to hire a new employee and it would fall on his or the department head's shoulders the same as it was now.

Tabaka advised this code calls for the creation of that department and...

Boggs advised it was under the City Manager and he has the power to delegate the authority. He advised until they have enough of a case load he would never recommend to this council to create another department and hire an employee.

Tabaka advised he was just going by what he reads, by what he sees in writing. He advised it seems weird to him in section 302.4 *Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses...* Tabaka advised he has what would technically be called grasses that were 5' tall on his property. He advised it seemed to him the city could take care of the (existing) problems with a lot simpler piece of legislation. Tabaka advised he felt this was too much. He advised in Chapter 7 that pertains to the 4-family units and above in section 705.1 "*...Commercial facilities, Industrial facilities, 4 Unit and above Rental facilities with an alarm system shall have a lock key box manufactured by the Knox Corporation.*" He inquired if we could legislate an exclusive business deal with one particular private company.

Boggs advised he believed the reason they wanted to use that particular company was so they didn't have to carry around dozens of keys.

EMS Chief Baillis indicated for years they have been given keys to allow access should it be necessary due to a fire or other emergency. Baillis advised the Knox Company was probably the biggest company out there that makes these boxes. He advised they have a master to gain access in emergencies.

Tabaka advised he was being technical, but inquired if it was legal to legislate an exclusive business arrangement with a private company.

Bower advised yes.

Tabaka inquired if it wasn't subject to any a bid process.

Bower advised it was police power of the city. He advised not so much under Chief Burg's contacts, but for the well-being, safety of the people.

Tabaka advised he had to wonder with a company getting an exclusive deal if they were getting the best price. He advised it was up to the owner to buy it so...

Hanlon advised he felt the key was if they have an alarm system. He advised if they don't have an alarm system they don't need a Knox box.

Tabaka advised he doesn't get that association. He inquired as to why it would be determined by whether or not you had an alarm system.

Boggs advised to get in to shut off the alarm and check for a fire.

Hanlon advised the Fire Chief could explain it in great depth.

Tabaka advised if someone reports a fire whether or not they had an alarm he believed the fire department would still want the ability to have access.

Baillis advised it saves the safety forces from breaking down a door.

Tabaka advised oh, it was for the probability of a false alarm. He advised in closing if someone would care to comment on what he said about the equalization board he would appreciate

it. Tabaka advised with regards to the property maintenance he felt the legislation should be simplified quite a bit and most of it should not apply to individual residents.

Lapehn advised the only time he knew of that the equalization board has come to council to say they needed to look at something was in regards to street paving when someone had a (corner lot) was going to be paved and they provided some sort of break on the second street being paved (50% for the longest side).

Beaumont inquired as to his (Tabaka) reason for going to the equalization board.

Tabaka advised to appeal his assessment.

Beaumont inquired as to what was the basis of his appeal.

Tabaka advised those things he mentioned in open council meeting.

Beaumont advised you understand council already passed the legislation requiring you to put in your sidewalks.

Tabaka advised yes.

Beaumont inquired that he has known for how many years that he had to put in sidewalks.

Tabaka advised he didn't know anything.

Beaumont advised Mr. Kellogg talked to you more than five years ago about putting in your sidewalk. He inquired if that was true.

Tabaka advised no, he (Kellogg) did not.

Beaumont advised we (Council) have been discussing this (sidewalks) for over two years. He advised when it finally came time for you to put in your sidewalk. Beaumont advised he knew about the voluntary program last year.

Tabaka advised he didn't ask to be scolded by a councilman.

Beaumont advised he asked the question and he was...

Tabaka advised he has felt for the 15 years he has lived in that house that the city should have followed their code and have whoever built the house install the sidewalk. He advised they (the city) chose not to do that and why he (Beaumont) would presume to think he (Tabaka) would take it upon himself to install that sidewalk he didn't know. Tabaka advised that was not the question he asked and he doesn't believe he asked it so that he could be lectured as to what he should or shouldn't have done.

Beaumont advised he wasn't lecturing he was just asking a question of his reason for going to the equalization board.

Tabaka advised to appeal the decision that was made because in his opinion the wrong person is being assessed. He advised if he (Beaumont) looks at the legislation it says sidewalks will be installed within 6 months of the completion of the structure. Tabaka advised he was not the owner of that home 6 months after its completion. He advised per the very language of that legislation he felt he should not be the one being assessed. Tabaka advised he felt it should be whoever owned that house during the 6 months after its completion. He advised that was the grounds for his appeal.

Beaumont advised so his argument to the equalization board is that someone else should be responsible.

Tabaka advised he did not get a chance to make his argument and that is his point. He advised they were not willing to hear anything other than if he thought he was being disproportionately assessed.

Beaumont inquired if he had any intention of putting in the sidewalks voluntarily.

Tabaka advised he didn't know how that was germane to this question.

Beaumont advised it was just a question.

Tabaka advised if he didn't mind he would like to focus on the question he asked that hasn't been answered.

Beaumont advised he was aware of the policy and he came here to complain about the sidewalk policy. He advised we have passed an ordinance this year requiring citizens to install sidewalks if they don't have them. Beaumont advised on his (Tabaka) particular property there were some issues and they moved the fire hydrant. He advised he (Tabaka) understands the policy and the ordinance, the rules now are to have sidewalks installed. Beaumont advised his question was did he intend to install the sidewalks himself.

Tabaka advised frankly he didn't see that in the ordinance at all. He advised all he sees in the ordinance was two pieces of paper, a resolution saying council will proceed with the sidewalk improvement program and another one that specifies an ordinance from 1971 section e from 1135.04 that says sidewalks will be installed within 6 months of the completion of a structure. Tabaka advised that was what he sees. He advised he didn't see anything in that legislation referring to sidewalks that have been missing for 33 years. Tabaka advised he didn't believe that legislation gives the city the authority to impose that sidewalk on him or (others in established neighborhoods that have never had sidewalks). He advised there was no language in there that supports that because it talks about new construction within 6 months and that was it. Tabaka advised no sir he doesn't see where the city has passed an ordinance ordering him to put a sidewalk in. He advised he knew they would like to think they have and they are going to make him do it, but he doesn't believe they have.

Taras inquired if this was something new that now they want sidewalks installed.

Beaumont advised they have been discussing it well over two years.

Robertson advised they targeted an area around the schools for missing sidewalks to be installed and sidewalk improvements.

Taras advised she agreed the homeowner should have installed the sidewalk years ago, but if they chose not to then you (Council) are now saying it was the current property owner's responsibility.

Tabaka advised there was nothing in the ordinances that specifies that and that was his whole point here. He inquired if anyone could tell him that at that equalization board hearing he received the criteria that was given to that board if they (council) felt that the people who filed an appeal received a fair hearing or even a meaningful hearing. Tabaka advised they all received letters with the same price per section so, he felt the whole basis for that boards criteria was circumstances that they knew didn't exist. He inquired if Council felt the three people who filed an appeal got an actual meaningful hearing.

No further responses.

### **Old Business**

**a. Motion to Remove Ord. No. 7652 from the Table**

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

**b. Ord. No. 7652 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manager to Amend Sections 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 Sections 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. Third Reading.** Ord. No. 7652 was read on third reading as amended. Carey moved to adopt as amended, all Yeas on roll call and **motion carried.**

**c. Ord. No. 7653 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending and Repealing Section 1301 of the Codified Ordinances of the City of Rittman, Wayne County Building Code, to Replace Said Section with the Property Maintenance Code. Third Reading.** Ord. No. 7653 was read on third reading. Johnson moved to adopt, all Yeas on roll call and **motion carried.**

**d. Res. No. 7655 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Resolution No. 7645, the Sidewalk Improvement Project and Declaring an Emergency. Second Reading.** Res. No. 7655 was read on second reading. Hanlon moved to suspend the rules and have third reading, all Yeas on roll call and **motion carried.** Res. No. 7655 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

**e. Ord. No. 7656 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Determining that Lot Number 1038 Owned by the City of Rittman is No Longer Needed for Municipal Purposes and Authorizing the Municipal Manager to Solicit Bids for Its Sale as Required by Law. Second Reading.** Ord. No. 7656 was read on second reading. Russell inquired if this property will be advertised for bid. Boggs advised yes. Lapehn moved to place on third, all Yeas on roll call and **motion carried.**

### **New Business**

**a. Ord. No. 7659 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 921.02, Repair of Sidewalks, Curbs and Gutters of the City of Rittman and Declaring an Emergency. First Reading.** Ord. No. 7659 was read on first reading. Hanlon moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Ord. No. 7659 was read on second and third reading. It was clarified for Russell that gutters meant street gutters and not gutters on a house. Boggs indicated they were just amending the section of the ordinance to include the policy council wanted stating the criteria to enforce. Carey inquired if unevenness would mean washed out underneath. Boggs advised yes. Carey inquired if they pass this with all the criteria could people contact the city if they believe they are being targeted outside of this realm and have it re-assessed. Boggs advised it would not fall under the powers of the equalization board. Robertson advised they could go to (the City Manager). Boggs advised they would re-evaluate it just like they did since council said this was the criteria they wanted adopted. Boggs advised many were removed from the mandatory replacement list. Hanlon inquired if someone felt they were being treated unfairly could they still go through an appeals process although obviously the equalization board was not for that purpose. Boggs advised there was nothing in place

according to this ordinance, but he had no problem with implementing such. Russell advised he thought the equalization board was to listen to the issues of the property owners. Beaumont advised there are properties in town where it is very unrealistic to expect them to put in sidewalks due to serious excavation or adding retaining walls. Beaumont advised it was discussed that those people could have recourse with the Board of Zoning Appeals. Russell advised if that is the case he would at least like someone to hear what they have to say, if they had an issue. It was discussed whether to amend this ordinance and include such criteria or pass this ordinance and come back with an amendment. Boggs advised they should keep in mind this legislation was for existing sidewalks. After some discussion Council decided to pass this and have an amendment brought back at the next meeting for consideration. Hanlon moved to adopt, all Yeas on roll call and **motion carried**.

b. **Res. No. 7660 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Approving the Report of the Assessment Equalization Board of the 2011 Sidewalk Improvement Program and Declaring an Emergency. First Reading.** Res. No. 7660 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**. Res. No. 7660 was read on second and third reading. Lapehn moved to adopt, all Yeas on roll call and **motion carried**.

c. **Ord. No. 7661 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Declaring it Necessary to Proceed with the 2011 Sidewalk Improvement Project All Together with the Necessary Appurtenances Thereto and Declaring an Emergency. First Reading.** Ord. No. 7661 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. 7661 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried**.

d. **Res. No. 7662 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manager to Prepare and Submit Applications to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) (Issue 2 Funding) and to Execute Contracts as Required and Declaring an Emergency. First Reading.** Res. No. 7662 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**. Res. No. 7662 was read on second and third reading. Carey inquired if this grant would provide all the funds necessary to complete the project. Boggs advised no, they were asking for approximately 50% and the city would have to pay approximately 50%. Hanlon inquired if the city would have their 50%. Boggs advised they believed so since they would have the perm tax revenue and capital improvement monies. Boggs advised there has been some partial resurfacing on Strawberry Hill in 1991 and have patched the rest and the streets were installed in 1981 and have since deteriorated quite a bit. Lapehn moved to adopt, all Yeas on roll call and **motion carried**.

e. **Res. No. 7663 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Authorizing the Municipal Manager to Prepare and Submit Applications to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required and Declaring an Emergency. First Reading.** Res. No. 7663 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**. Res. No. 7663 was read on second and third reading. Russell inquired if the sidewalks were going to go in when they put the waterline in. Boggs advised they could, but that would raise the cost to over \$500,000 so it wasn't feasible without doing an assessment. Boggs advised the safe schools grant could provide sidewalks, safety signs, widen streets and intersections, solar signs and has to be within 2 miles of the schools. Carey inquired if they were suspending rules because there was a deadline for filing the application. Boggs advised the application had to be in by next Friday. Russell moved to adopt, all Yeas on roll call and **motion carried**.

f. **Ord. No. 7664 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Vacating Part of the South Seneca Alley East of South Seneca Street and Declaring an Emergency. First Reading.** Ord. No. 7664 was read on first reading. Carey inquired why they were vacating the portion of the alley that was away from Seneca St. Boggs advised there were still houses located closer to Seneca. Boggs indicated this was a request from John Laria who owns the abutting lots and he planned on increasing his parking lot. Russell moved to place on second, all Yeas on roll call and **motion carried**.

g. **Ord. No. 7665 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Obtain the Release of Permissive Tax Funds from the Wayne County Engineer for the Improvements of East Sunset Drive from East Ohio Avenue to the River Styx Bridge and Declaring an Emergency. First Reading.** Ord. No. 7665 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. 7665 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

h. **Ord. No. 7666 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Enter into an Agreement with Lytle Construction of Wooster, Ohio to Motor Pave Medina Street, Eastern Road, North Seneca Street, South Seneca Street and Part of East Sunset Drive and Declaring an Emergency. First Reading.** Ord. No. 7666 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. 7666 was read on second and third reading. Boggs advised in answer to a question from Carey that the part of E. Sunset Dr. would include from Crawfords heading west to the bridge. It was noted, Ord. No. 7665 was getting the \$21,000 Perm Tax funds and the whole project would cost \$95,000. Beaumont moved to adopt, all Yeas on roll call and **motion carried.**

i. **Res. No. 7667 A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. First Reading.** Res. No. 7667 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. 7667 was read on second and third reading. Carey moved to adopt, seconded by Hanlon, all Yeas on roll call and **motion carried.**

j. **Ord. No. 7668 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. First Reading.** Ord. No. 7668 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. 7668 was read on second and third reading. Boggs indicated he was notified late this afternoon that the sale of the old sewer jet might not be the full \$30,000 originally budgeted and considered part of this appropriation amendment and would probably be lowered by \$10,000. Rissland advised until she checks to see how much funding was actually left in the sewer fund, which is where it would come out. Rissland advised if we leave it like this we can do an additional transfer-in and amend it at the next meeting. Carey moved to adopt, all Yeas on roll call and **motion carried.**

k. **Motion to Set Trick or Treat for Saturday, October 29, 2011 from 5:00 to 7:00 p.m.** Taras advised pee wee football season would have ended by this date so it was not a conflict. Boggs advised he believed Wadsworth was holding their event on the 30<sup>th</sup>. Beaumont so moved, all Yeas on roll call and **motion carried.**

l. **Ord. No. 7669 An Ordinance of the Council of the City of Rittman, Ohio, Wayne and Medina Counties, Authorizing the Municipal Manager to Enter into a Purchase Contract with Jack Doheny Companies of Northville, Michigan for the Purchase of a Sewer Jet Combination Unit and Declaring an Emergency. First Reading.** Ord. No. 7669 was read on first reading. Utilities Director Metcalf advised the existing unit is a 1994 and he indicated it has outlived its useful life for the city. Metcalf advised it was a versatile piece of equipment that they use quite a lot and they looked at seven different machines that were on the state bid and over the past two years have had over a dozen demonstrations in Rittman. Metcalf advised they looked at all the options and warrantees and prices and evaluated it to death. Metcalf advised he also called 8 references of the one they chose and Wadsworth has the same machine and Stark County has 4 and Medina County has 1. Metcalf advised he contacted different counties that have a lot of these machines in different models and most of the feedback was very positive. Metcalf advised it was a long process. Beaumont inquired as to the useful life of such a machine. Metcalf advised they have had this one for over sixteen plus years and he would say they were pushing it. Metcalf advised generally every fifteen years they were going to need to purchase a new one and it was a valuable piece of equipment. Boggs advised it would be at least 3 months before receiving the equipment in answer to a question posed by Beaumont. Metcalf advised they could use the

existing in a modified way until the new arrives. Metcalf advised they also have a good relationship with Wadsworth and have helped them and they would be willing to lend us their jet if necessary. Hanlon moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried**. Ord. No. 7669 was read on second and third reading. Hanlon moved to amend and remove the line *in the amount of \$30,000*, all Yeas on roll call and **motion carried**. Carey moved to adopt as amended, all Yeas on roll call and **motion carried**.

m. **Res. No. 7670 A Resolution of the Council of the City of Rittman, Ohio, Appointing an Assessment Equalization Board for the Douglas Drive Street Improvement Project as Required by Law and Declaring an Emergency. First Reading.** Res. No. 7670 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. 7670 was read on second and third reading. Lapehn moved to adopt, all Yeas on roll call and **motion carried**.

n. **Motion to Approve the Application for the Placement of Farmland in an Agricultural District for 20.5888 Acres Located on Sterling Avenue** Lapehn was advised this land has been designated as agricultural in previous years in answer to his question. It was noted, the 20.5888 acre parcel was the only one inside the city limits of the two parcels listed. Russell so moved, all Yeas on roll call and **motion carried**.

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

City Manager Larry Boggs advised there were a few complaints regarding the turkey vultures perching on the Metzger Ave. water tower. He advised they were a protected bird and we could not shoot them and they would be flying south for the winter and would probably return next year at the same time.

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

Finance Director Barbara Rissland had no remarks.

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

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

#### **Council Remarks**

Council Member Rick Hanlon thanked the finance director and the department heads for their work on the capital improvement plan.

Council Member Richard Lapehn seconded what Rick said, "thank you, Barb (R.)"

Council Member Steve Johnson had no remarks

Council Member Darrell Carey had no remarks

Council Member Glen Russell had no remarks

Council Member Lynn Beaumont had no remarks

Mayor William Robertson advised Dr. Burton, Rev. LaBouf and Pastor Bud put together the 9-11 (2011) remembrance service last night and hosted approximately 500 people at the "old" Rittman High School (Board of Education Building 100 Saurer St.) gymnasium. He advised it was very nice pins were given to first responders, booklets were given out to families. Robertson advised military people were recognized and there was a lot of singing. He advised Rick Allenbaugh addressed the group and it was appreciated and very impressive. Robertson advised it was a great evening.

a. **Approval of Vouchers 54726 & 55679 thru 55853 and Memo Expense #'s 110805 thru 110811 Including Then and Now Certificates** Carey moved to approve, upon roll call; Carey-Yes, Hanlon-Abstain, Russell-Yes, Beaumont-Yes, Lapehn-Yes, Johnson-Yes and **motion carried**.

#### **Adjourn: - 9:07 p.m.**

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

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Mayor

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Clerk of Council

