

**RITTMAN CITY COUNCIL – AGENDA
REGULAR MEETING
Monday, May 22, 2023 at 7:00 p.m.**

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Minutes**
 - a. May 8, 2023**
- 5. Citizens Forum**
- 6. Old Business**
 - a. Ord. No. 8352 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Levying Special Assessments for the Eastern Road Improvement Project by Replacing the Existing Surface and Installing a New Surface with the Necessary Appurtenances Thereto. Third Reading.**
 - b. Ord. No. 8355 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 193.081(a) City Resident Subject to Income Tax in Other Municipality of the Codified Ordinances. Second Reading.**
- 7. New Business**
 - a. Motion to Accept the Resignation of John Tawney from the Board of Zoning Appeals.**
 - b. Motion to Appoint Frank Clason to the Board of Zoning Appeals for the Unexpired Term of John Tawney.**
 - c. Res. No. 8356 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Finance Director to Make Advances and/or Transfers to or from Appropriate Accounts. Three Readings**
 - d. Res. No. 8357 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Finance Director to Establish a Payroll Clearing Fund and Declaring an Emergency. First Reading.**

- 8. City Manager's Remarks**
- 9. Finance Director's Remarks**
- 10. Council Remarks**
 - a. Motion to Go into Executive Session – in Accordance with Any Subject Under ORC 121.22 (if needed).**
 - b. Motion to Come out of Executive Session.**
- 11. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 8,

20 23

**Rittman City Council Met in a
REGULAR MEETING
Monday, May 8, 2023
7:00 p.m.**

Members Present: Chuck Wyatt, Dave Williams, Josh Carey, Ken Park, Amanda Nelson and Melissa Shows

Members Absent: None

Presiding: Mayor William Robertson

The invocation was given by Dave Williams followed by the pledge of allegiance.

Approval of Minutes

a. April 24, 2023 – Wyatt moved to approve, all Yeas on roll and **motion carried.**

Citizens Forum

Tina McMillen -243 Ritter – inquired why can't the Charter Review be changed if we are changing other things. Since we are in fiscal emergency with the taxes, why can't get that voting. The citizens want a voice too. Where are the attachments, she would like them. She doesn't want to look for them.

Rich Bernet – 43 Sheldon – wants to thank those who voted, they got the result that they deserve. Also, inquired about an item 230 permissive tax of \$63,656.00. What was this, is this what it cost to put the tax issue on the ballot to fail? Inquired what it was since it was a large amount. There is an expenditure for \$13,000.00 for professional services and they are both marked under March, 2023 project. I am curious what that kind of money was spent on. It is just listed as March, 2023 project and also to comment on Ordinance 9355 where City Council is going to take away the 1% exemption, I just want to remind City Council that that 1% exemption was put in place back in the late 70's and that was something that was voted on by the voters. If you want to try to end that, I suggest you put it on the ballot and stop playing your little games with our taxes. That's basically will amount to a 1% increase for taxes for all of us who live and work outside the City. That is not the City decision to make that's the voter's decision to make and that precedent was set in 1977. Please take time and review stuff.

Mark McMillen – 243 Ritter – I have bad hearing, about 90% of what is said I can't understand or hear. If you could turn the speakers up that would be greatly appreciated it. At the last meeting it was brought up about grass is growing and people maintaining their properties per the City Ordinance. I have a City park in my backyard that they never came and cleaned the leaves up last year and unless it was mowed today, it hasn't been mowed this year. I know there are other properties that don't get maintained by the City. Also, I got a call about a tenant who left a couch out on the curb. I didn't realize that she had sent it out when she was moving out. I got a call to come home from work and remove it immediately from the curb. Less than a block down the road there is a couch that sat out on the curb for four weeks before it was removed. I called the City on a couple of other things and it took months and sometimes over a year to take care of what I called.

Tara Boler – 8 Fairmont Avenue – we are coming into tornado season and what is the update on the quotes to repair the sirens. We also want to know if the City is going to publicly address the resignation of the Resource Officer Covil from last month and if he is going to be replaced. That is a valuable resource for our school to have. Once again there needs to be accountability, you are responsible. I am not getting any responses, I think

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Held May 8,

2023

whoever carries your insurance, because we don't have an answer on the insurance whether or not your insurance company will cover part of that tax issue has not been answered. We want answers we are not going away. What is the City going to do to start cutting their spending? I'm sorry Amanda, I'm going to tell you right now for grass being over 8 inches tall is the least of anybody's worries in this town, we don't care. I don't know if you are drumming up business but we don't care. We care about what we are coming here to talk to you guys about. Maybe keep the things that important to the residents and the voters. That's probably why you lost your tax ballot.

Old Business

a. **Ord. No. 8352 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Levying Special Assessments for the Eastern Road Improvement Project by Replacing the Existing Surface and Installing a New Surface with the Necessary Appurtenances Thereto. Second Readings.** Ord. No. 8352 was read on second reading. Shows moved to place on third, all Yeas on roll call and **motion carried.**

New Business

a. **Proclamation – National Emergency Medical Services Week.**

b. **Ord. No. 8354 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 8318, as Amended According to the Attached Sheet(s) and Declaring an Emergency. Three Readings.** Ord. No. 8354 was read on first reading. Shows moved to suspend the rules, all Yeas on roll call and **motion carried.** Williams moved to adopt. Beshara stated that the permissive taxes are what we received from the County. Those taxes are for roads only, so we are bringing up our tax dollars from the County to do some repairs in town. Shows inquired if Bulp could explain item 100 in general. Bulp responded that we need additional appropriations in response to pending litigation. This is the start of the cost to handle that. Beshara stated that the money is for the attorneys that are going to handle the class action suit against us. All Yeas on roll call and **motion carried.**

c. **Ord. No. 8355 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 193.081(a) City Residents Subject to Income Tax in Other Municipality of the Codified Ordinances. First Reading.** Ord. No. 8354 was read on first reading. Nelson moved to place on second. Shows inquired if Bulp could provide more information. Bulp replied that he spoke to RITA and it is difficult to gauge at this time. We do not have historical data at the 1% rate. Reducing the credit will get us to around where we were before everything happened. Also looking tax rates and credits in surrounding areas, Creston, West Salem, and Burbank all do the same thing 1% rate with 1% credit. There are several other places, Smithville, Doylestown, Apple Creek that have a credit lower than their rate. In the case of Doylestown, they have a 2% rate but a 1% credit. Frankly we are trying to get to a point where we can continue to operate where we need to. Obviously cost control is always the first step, we are coming to a point where we are not replacing people who leave. Without people things stop getting taken care of. Wyatt inquired if this was within the scope of Council or is this a voted-on issue. Bulp responded this was fully within the prevue of Council, in fact in 2012 when the credit was lowered last time it did not go to the voters. It is within the realm of Council to make. Nelson inquired if we to put the ½% back on the ballot for November and that would pass, would we then be able to go back and give the 1% credit back. Simpson stated yes, that he specifically drafted the legislation so if we choose in the future to put that back in. In the future if you want to give a credit back, we can change it very easily and put it back. Williams inquired that hypothetically if he lives here, it is 1% and works in Millersburg it's 1.5% so I am paying 2.5%. Bulp stated that was correct, however when you pay your 1.5% to Millersburg, they are not giving any of that to us. Park inquired if the

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ability for Council to be able to do this comes from the Charter, the State. Simpson responded the State allows it. All Yeas on roll call and **motion carried.**

City Managers Remarks

EMS Week May 21-27th - As EMS week is coming up soon, we thank our Emergency Medical Staff for all that they do, day in and day out not just during EMS week but whenever an emergency occurs. We are forever grateful.

Civil Service Exam - As a reminder, our Civil Service exam is scheduled for this coming Saturday, May 13th at 9 AM at the Rec Center. We continue to update our eligibility list so when there is an opening at the Police Department, we will have a strong list of candidates. Thank you to Chief Shows and to our Civil Service Commission.

Parks - Our Park and Rec Department is working on our ball fields and general maintenance and mowing of fields. If you or anyone sees something that needs tending to, please have them contact Garrick. Speaking of parks, we have removed a broken slide at the park on State Street and due to the age and unavailability of the slide, it may not be replaced. However, Service has placed plywood in the opening to keep our kids safe. The rest of the equipment is working fine, and the kids can still enjoy it.

Service - Our Service Department is out working on drainage issues, potholes, brush pick-up, etc. We changed the way we pick up brush and no longer require a list. Brush is picked up the 1st Wednesday of the month. We hope this works better so nobody is missed.

TeamNEO/Mayor's City Manager's meetings - TeamNEO, our regional economic development partner, is celebrating their 20th anniversary in Cleveland on Tuesday and I will be attending and representing Rittman. The following day is the Northeast Ohio Mayor's and City Manager's Day in Columbus. We will be meeting with Lt. Gov. Husted, Chair of the Ohio PUCO, Chief Justice Kennedy and various legislators to discuss key issues affecting Ohio.

430 W Sunset Demolition - After many years and many times trying to work with the property owner on bringing the home back to a habitable status, we have clearance to demolish the home at 430 W Sunset. I truly appreciate the hard work of our Rittman staff, Matt Simpson and Russ Arters who is the Wayne County Building Department Inspector, for guiding me through this arduous process. Also, thanks to the PD, Ohio Edison and Columbia Gas who have been very involved so that this demolition can take place and especially the neighbors. The city will assess the cost to the property owner.

Finance Director's Remarks

I want to report tonight that our Auditors were in this last week and started the initial audit which has been successfully completed and they will be back in June to finish things up. I want to point out at this time for clarity, the term fiscal emergency was used and that is a specific classification with the State of Ohio. We are not in a state of fiscal emergency or fiscal caution at this time. I just wanted to make that clear.

a. **Approval of Financial Report for April, 2023.** Wyatt moved to approve, all Yeas on roll call and **motion carried.**

Council Remarks

Wyatt – I appreciate everybody coming out and speaking tonight. We take notes and definitely moving towards helping these guys as much as we can. Some things are at a snail's pace but we do what we can. We definitely appreciated you guys coming out and being a part of the town/city, that's what it is all about.

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Park – I want to thank everybody for their input and the concerns. We are hearing you; we can't answer all of these directly so we do hear and I'll be talking to Bobbie about a couple of them myself.

Williams – I want to thank the citizens that showed up for clean up and Reading Under the Lights. In our Council Packet we had information from a group of people from Sterling Avenue and I believe they said that they would have a representative here tonight. Anybody here from Sterling Avenue? They had a lot of information and if they had questions, I could maybe talk about that. Any idea where our EMS Chief is at? When we read the Proclamation, it would have been nice if he would have been here.

Nelson – thanks to the citizens that came out and participated in community clean up and that's all.

Carey – thank everyone involved with the Reading Under the Lights. That was a great event for the kids and the parents. It was fun seeing all the kids smiling and laughing, it was a good time. Thanks to the Service Department for the brush pick up that they do. Many cities don't offer that service at all. I'm thankful that we can take advantage of that service. I want to get a special thanks to Fred Rastorfer for the years taking care of the fields down at Fritz Park. He is down there getting the t-ball field ready for a big intense match up of 6 and under baseball.

Shows – I echo everybody else, thanking all for coming to night. Recognizing EMS week. I do want to point out that next week is Police Officer Memorial Week. It is recognized in the State of Ohio. Thanking everyone for coming out for Reading Under the Lights. Our volunteers put in a ton of work. I think it was a very enjoyable event. Everyone please be extra careful and extra diligent in this time of year. Unfortunately, Wadsworth lost a student last week in a traffic accident, a bicycle right after school at dismissal time. It is one of our biggest fears. We are preaching it to the kids everyday reminding them to still stop, look and listen. I also want to put it out to the drivers as well.

a. **Approval of Voucher #'s 17244, 17252, 17416 thru 17572 and Memo #'s M42301 thru M42308.** Shows moved to approve, all Yeas on roll call and **motion carried.**

Adjourn: 7:37 p.m. Nelson moved to adjourn, all Yeas on roll call and **motion carried.**

Mayor

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8352

Passed: _____, 2023

ORDINANCE NO. 8352

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, LEVYING SPECIAL ASSESSMENTS FOR THE EASTERN ROAD IMPROVEMENT PROJECT BY REPLACING THE EXISTING SURFACE AND INSTALLING A NEW SURFACE WITH THE NECESSARY APPURTENANCES THERETO.

NOW THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE.

That the special assessments for the cost and expenses of the Eastern Road improvement project by planning and milling the existing asphalt surface and installing a new asphalt surface all together with the necessary appurtenances thereto, pursuant to Resolution No. 8278 adopted February 28, 2022, Resolution No. 8279 adopted February 28, 2022 amounting in the aggregate to \$63,717.99, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided in the above Resolutions in the respective amounts set forth in the schedule of special assessments on file, which special assessments are prepared on a benefited lineal foot basis and are not in excess of any statutory limitations.

SECTION TWO.

That this Council finds and determines that, subject to any reduction required by statute, the special assessments are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

RECORD OF ORDINANCES

Ordinance No. 8352

Passed: _____, 2023

SECTION THREE.

That the special assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this Ordinance, or at the option of the owner, in five (5) annual installments with interest at the same rate as borne by securities to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Treasurer of this City. All special assessments remaining unpaid at the expiration of those thirty (30) days shall be certified by the Clerk of Council to the Wayne County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION FOUR.

That the Clerk of Council shall deliver certified copies of this Ordinance to the County Auditor within twenty (20) days after its passage.

SECTION FIVE.

That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION SIX.

That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 8352

Passed: _____, 2023

Passed: _____, 2023

Mayor

Attest:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8355

Passed: _____, 2023

ORDINANCE NO. 8355

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING SECTION 193.081(a) CITY RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY OF THE CODIFIED ORDINANCES.

NOW, THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, three-fourths of all members elected or appointed thereto concurring:

SECTION ONE

That section 193.081(a) City resident subject to income tax in other municipality be amended to read as follows:

193.081 CITY RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY.

(a) When a resident of Rittman is subject to a municipal income tax in another municipality on the same income taxable under Section 193.04, no credit shall be allowed against the Rittman income tax. For the purpose of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

SECTION TWO

This Ordinance shall go into effect for the tax year ending December 31, 2023, and filings due after January 1, 2024.

RECORD OF ORDINANCES

Ordinance No. 8355

Passed: _____, 2023

Passed: _____, 2023

Attest:

Mayor

Clerk of Council

Joan Challinor

From: John Tawney <jtawney73@gmail.com>
Sent: Wednesday, May 3, 2023 7:55 AM
To: Joan Challinor
Subject: BOZ Appeals Resignation Letter

5/3/2023

Joan,

I just wanted to send you an official note tendering my resignation from the Board of Zoning Appeals effective immediately. We are set to close on our home at the end of next week and are set to close on our new home in Wooster the week after that, to which we will begin moving immediately.

It's been a privilege to serve our community in just a small way. Thank you to the Board for allowing me the chance to serve. Also, thank you to yourself for all you do for the City of Rittman. It's folks like you that are essential in keeping the City running. I'm sure you do it mostly with no thanks. Just know I see and appreciate all you do.

Thank you!

- John Tawney

Sent from my iPhone

RECORD OF ORDINANCES

Ordinance No. 8356

Passed: _____, 2023

RESOLUTION NO. 8356

A RESOLUTION OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AUTHORIZING THE FINANCE DIRECTOR TO MAKE ADVANCES AND/OR TRANSFERS TO OR FROM APPROPRIATE ACCOUNTS.

WHEREAS, certain advances and/or transfers are necessary for the continued and efficient operation of Municipal Services; and

WHEREAS, this Resolution will provide for the proper and lawful advances and/or transfers to and from the appropriate accounts in order to fund Municipal Services.

NOW THEREFORE, be it resolved by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE.

The Finance Director is authorized to make advances and/or transfers to or from the appropriate accounts pursuant to the attached Exhibit "A" which is incorporated herein.

SECTION TWO.

That because of the immediate need for the appropriation or advancement of said funds, this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health and safety and shall go into immediate force and effect upon its passage.

RECORD OF ORDINANCES

Ordinance No. 8356

Passed: _____, 2023

Passed: _____, 2023

Mayor

Attest:

Clerk of Council

EXHIBIT A

Transfers Out

100 General Fund	100,000	Transfer to Fire Levy Fund to cover operational costs
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Transfers In

410 Fire Levy Fund	100,000	Transfer from General Fund to cover operational costs
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RECORD OF ORDINANCES

Ordinance No. 8357

Passed: _____, 2023

RESOLUTION NO. 8357

A RESOLUTION OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A PAYROLL CLEARING FUND AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rittman has contracted with Software Solutions, Inc. for its new payroll and finance Enterprise Resource Planning system, known as VIP; and

WHEREAS, VIP utilizes a payroll clearing fund as part of its normal processing; and

WHEREAS, the City does not currently have or use a payroll clearing fund.

NOW, THEREFORE, be it resolved by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE.

The Finance Director take all necessary action to create within the accounts of the City of Rittman a Clearing Fund titled "Payroll Clearing Fund" for passthrough activities including receipt of payroll-related expenditure posting and outlay of those monies when paid out and;

SECTION TWO.

It is recognized that the Finance Director is authorized to establish the fund without requesting fund approval from the Auditor of State.

SECTION THREE.

All funds received by the Payroll Clearing Fund from payroll activities shall be expended only to pay those same payroll obligations in a timely manner.

RECORD OF ORDINANCES

Ordinance No. 8357

Passed: _____, 2023

SECTION FOUR.

To ensure a smooth and timely transition into the new ERP system, and for the health and wellness of the citizen of Rittman the measure is hereby declared an emergency and shall go into effect immediately.

Passed: _____, 2023

Attest:

Mayor

Clerk of Council