

# RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 23,

20 23

**Rittman City Council Met in a  
REGULAR MEETING  
Monday, January 23, 2023  
7:00 p.m.**

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

**Members Absent:** None

**Presiding:** Mayor William Robertson

The invocation was given by Pastor Clark Genet followed by the pledge of allegiance.

Melissa Show read a statement regarding the current situation with the income tax rate.

**Citizens Forum**

Brian Bell – 256 Baker Street – stated that he has respect and gratitude that diligence of the administration found the error and made no attempt to cover it up. This is not an easy situation for anyone. We are lucky to have the leadership that we do.

Rich Barnett – 43 Sheldon Street – stated that he is disappointed. Council knew in the third quarter, yet he is just now hearing about it. He doesn't understand why it took three months to sort out. Why did it take three months to communicate to the public? Will public records be available to review? Why has this been covered up? Was the delay intentional? Which code state that Ohio Revised Code allows one year for payment?

Tara Boler – 8 Fairmont – stated she is not here to complain. She said she had solutions and that Council should take them under advisement. She has looked at the budget and there are things that need to be cut. We do not need a splashpad at Fritz Park. How much is software for Civics Plus? We need to liquidate the rec center. Sell it. Sell the Preserve to the Metro Parks. The City would be able to access those funds to make up for this egregious mistake that was made in 1997. She doesn't think Council should be allowed to renovate the current library space when they get the new one built. That is going to take money that the City does not have. If you decide to put the tax increase on the ballot she has a feeling it will get voted down.

Justin Johnson – former resident of Rittman currently lives in Uniontown – he stated he was attending on behalf of the Libertarian Party as he was contacted by residents of Rittman to provide assistance. According to the ordinance to put the tax levy on the May 2 ballot this year. His suggestion is that the Council delays on that decision due to the fact to allow an outside investigative service to look further into the taxation of the city or other financial areas. If there was .5 that was forgotten for 15 years what else could there be? He knows what the citizens truly want is accountability for where their tax dollars really went. What would happen to him if he didn't pay his taxes for 15 years? It could destroy peoples lives. What he has seen tonight is that everyone has been open and honest. This will become a national story.

Tara Boler – (Mayor Robertson stated she could address more next Monday). She stated she received a letter from the city that they threatened to fine her and put her in jail over a dead tree on her tree lawn. She had further comments regarding the tree. She stated as a taxpayer she could be threatened with jail time and a fine. When you come at her hard nosed she is upset and the same respect she was shown is the same respect that the citizens expect. Why did the city use the code for one year repayment and not the one that recoups three years? She called the Ethics Committee in Columbus and they were appalled. The people who did this and overlooked it don't work in the city any longer. She stated that she doesn't think anything criminal occurred. We are asking for some manner of relief and fairness to the rest of the public; one year is not sufficient.

Ray Rigas – 97 N. Third Street – stated that people are upset because of the way the letter came across. It said we made a mistake but the law says that we don't have to pay it back. Mr. Rigas inquired if there could be credit somewhere in the future for people. Many

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work outside of town and they only count 1% of what is paid to other cities. That means many are paying 2% or more already. Possibly pay back a credit for so many years. We have to pay our taxes, whether we have the money or not.

Melissa Shows read a statement thanking everyone for their comments and is understanding that they are upset.

**Old Business**

a. **Ord. No. 8331 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 1163.16(b)(1) Accessory Uses of the Codified Ordinances of the City of Rittman. Second Reading.** Ord. No. 8331 was read on second reading. Nelson moved to place on third, all Yeas on roll call and **motion carried.**

b. **Ord. No. 8332 An Ordinance of the City of Rittman, Wayne and Medina Counties and State of Ohio Opting out of HB 172 and Continuing to Ban the Discharge, Ignition or Explosion of Fireworks in the City of Rittman. First Reading.** Ord. No. 8333 was read on second reading. Nelson moved to table, all Yeas on roll call and **motion carried.**

c. **Ord. No. 8333 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 745.02 Regulations of the Codified Ordinances of the City of Rittman. Second Reading.** Ord. No. 8333 was read on second reading. Nelson moved to place on third, all Yeas on roll call and **motion carried.**

d. **Res. No. 8334 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the City of Rittman to Join the Community University Education Purchasing Council of Government. Second Reading.** Res. No. 8334 was read on second reading. Shows moved to place on third, all Yeas on roll call and **motion carried.**

e. **Res. No. 8335 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Authorizing the Municipal Manager to Advertise for and Accept Bids for a Vehicle Exhaust Removal System of the Fire Department and Declaring an Emergency. Second and Third Reading.** Res. No. 8335 was read on second reading. Carey moved to suspend the rules, all Yeas on roll call and **motion carried.** Shows moved to adopt, Wyatt inquired if the grant covered the full cost. Beshara stated that there is a 5% match. Williams inquired if this was to remove diesel fumes from the garages in the fire station. Chief Sweigert replied that it was. Shows stated and the police department above. All Yeas on roll call and **motion carried.**

**New Business**

a. **Motion to Approve the Designation of Farmland in an Agricultural District for Bauman Orchard for the Parcel 63-00162.000.** Nelson moved to approve, Shows inquired if this was just the five year renewal? Challinor responded that it was. All Yeas on roll call and **motion carried.**

b. **Ord. No. 8336 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. 8336 was read on first reading. Shows moved to suspend the rules, all Yeas on roll call and **motion carried.** Shows moved to adopt, all Yeas on roll call and **motion carried.**

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c. Res No. 8337 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Certifying that when a Municipal Obligation was Incurred Sums were Lawfully Appropriated int the Funds to Satisfy the Obligation and Sufficient Sums Currently Exist to Satisfy this Obligation According to the Attached Sheet(s) and Declaring an Emergency. Three Readings. Ord. No. 8337 was read on first reading. Nelson moved to suspend the rules, all Yeas on roll call and **motion carried**. Wyatt moved to adopt, all Yeas on roll call and **motion carried**.

d. Res. No. 8338 A Resolution directing the Regional Income Tax Agency ("RITA") to Immediately Apply a Municipal Income Tax Rate of One (1%) to Tax Returns Filed for the 2022 Tax Year, Notwithstanding the One and One-Half Percent (1.5) Income Tax Set Forth in Chapter 193 of the Codified Ordinances of the City of Rittman and, if an Income Tax of One and One-Half Percent has Already Been Paid for the 20222 Tax Year, to Refund the Difference Between the 1.5% Rate and the 1.% Rate for that Tax year Upon Approval of a Request for Such Refund that has Been Filed by any Individual not Required to File a Municipal Tax Return. First Reading. Res. No. 8338 was read on first reading. Shows moved to place on second, all Yeas on roll call and **motion carried**.

e. Ord. No. 8339 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 193 Income Tax Regulations Effective Beginning January 1, 2016 of the Codified Ordinances of the City of Rittman. First Reading. Ord. No. 8339 was read on first reading. Shows moved to place on second, all Yeas on roll call and **motion carried**.

f. Res. No. 8340 A Resolution of the City of Rittman, Wayne and Medina Counties, and State of Ohio, Amending the Provisions of the Municipal Income Tax Ordinance to Provide a Permanent Increase in the Amount of One-Half Percent (.5%) in the Income Tax Rate Effective January 1, 2024, for the Purposes of General Operations and Capital Improvements of the City of Rittman and Declaring an Emergency. Three Readings. Res. No. 8340 was read on first reading. Wyatt moved to suspend the rules, all Nays on roll call and **motion failed**. Williams moved to place on second, all Yeas on roll call and **motion carried**.

g. Ord. No. 8341 An Ordinance of the City of Rittman, Wayne and Medina Counties, Amending the Provisions of the Municipal Tax Ordinance to Provide for a Permanent Increase in the Amount of One-Half Percent (.5%) in the Income Tax Rate Effective January 1, 2024, for the Purposes of General Operations of the City of Rittman to be Allocated Three-Fourths to the General Fund and One-Fourth to the Capital Improvement Fund and Declaring an Emergency. First Reading. Ord No. 8341 was read on first reading. Carey moved to place on second, all Yeas on roll call and **motion carried**.

## City Managers Remarks

Nothing else, thank you everyone for being here.

## Finance Director's Remarks

Thanks, I don't have anything else tonight.

## Council Remarks

Carey – thank your everyone for coming tonight and voicing their concerns. I shared many of the same concerns with most of you.



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Wyatt – appreciate everybody showing up tonight. I'd like to see this more, actually when things are going smooth. We do appreciate it. We are all taxpayers; we are all getting hit on this.

Williams – I'd like to apologize. I think we need to move forward; it is not easy for any of us to deal with. We are all concerned citizens here regardless of the refund status or not. We do have a Charter Review Committee every ten years; the City Charter is reviewed every ten years and we ask for people to come forward and review the Charter on how we operate the City. You can participate in that. I did the last time as a Councilman. We kept three readings instead of two. There are vital decisions made in that Charter Review process. If people are active and they want to have a voice, that is the perfect time to do it constructively. I would encourage people that participate with their civic duty. I do appreciate all of you here. We will get through this all together. I don't want to see the City suffer. I think, as the Pastor said, keep us unified together. Stay positive and we will get through it.

Park – thank you everyone. These guys said it's good to see people here and we want to see more people here every meeting. We need the input from the citizens, we need to know what you want to hear. We are here to represent you. We apologize for the error; we have got to move forward and we have got to do it together. We can't be against each other in anyway at all. Thank you all very much and I appreciate the tone this evening.

Nelson – as everyone else, thank you for coming out. As a business owner, I live, eat, sleep, breath Rittman. I feel every ounce of what you guys are feeling, even from this side. I see both sides, and I get it. I just hope we can just come together. I know everyone just wants to make Rittman better. And that's what we have to focus on right now.


Shows – again, thanks to everyone for coming. I read a lot, I finally had to turn things off. I just really want to say I appreciate you coming in and the respect that was shown tonight. Regardless of the emotion and anger behind it. It is very much appreciated that we were able to have a productive meeting. Some of us have done some things that we want to look into to be able to have a more interactive meeting next week. The meeting next week as we are anticipating a larger turn out, will not be here. It will be at the Recreation Center. Thank you for coming this evening. I want to thank the staff, I know Bobbie and Matt and the office staff and the phone calls and they have really stepped up to try to help the community understand what is going on, answering questions and trying to get as much as we can back on track as well as keeping day to day business going.

a. **Motion to go Into Executive Session in Accordance with ORC 121.22 to Discuss Pending Litigation and to Discuss a Personnel Matter, Hiring, Firing, Discipline of a Public Employee and to Invite the Finance Director, the Law Director, City Manager and Mayor – 7:41 p.m.** Shows so moved. Nelson seconded the motion, all Yeas on roll call and motion carried.

b. **Motion to Come Out of Executive Session – 8:10 p.m.** Williams so moved, all Yeas on roll call and motion carried.

**Adjourn: 8:10 p.m.** Williams moved to adjourn, all Yeas on roll call and motion carried.

  
Acting Mayor

  
Clerk of Council