

# RECORD OF PROCEEDINGS

Minutes of Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 12

20 23

**Rittman City Council Met in a  
REGULAR MEETING  
Monday, June 12, 2023  
7:00 p.m.**

**Members Present:** Chuck Wyatt, Dave Williams, Josh Carey, Ken Park, Amanda Nelson and Melissa Shows  
**Members Absent:** None  
**Presiding:** Acting Mayor Melissa Shows

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

**Approval of Minutes**

a. **May 22, 2023** – Williams moved to approve, all Yeas on roll and **motion carried.**

**Citizens Forum**

Acting Mayor Shows requested anyone speaking to please come forward as the recording equipment was not working correctly.

Rich Barnett – 43 Sheldon Street – (refused to step up to table to Council) – feels that the citizens are not being listened to. They are not being included in the decisions or even asked for recommendations. He also stated if passing Ordinance 8355 Council is violating State Law. He stated that he looks forward to turning the .5% down in November as well as any other actions he decides to do.

Tina McMillin – 243 Ritter Drive – stated she would be more inclined to vote of the .5% if Council tabled the legislation eliminating the 1% credit or put it on the ballot. If you want to take it away, put it on the ballot and let the citizens decide. Don't make that decision for the citizens.

Don Dijak – 94 Strawberry Hill – wanted to discuss the firework bill tonight. He was inquiring about the times allowed to light off fireworks. Mr. Dijak was advised to contact City Hall to get the dates and times allowed.

**Old Business**

a. **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. Third Readings.** Ord. No. 8355 was read on third reading. Carey moved to table until November to allow the voters to vote on this issue as there was a very low turnout at the last election. Carey stated that the people he has heard from that would be in support of it and against it both, stated that they didn't know that there was an election in May. It would also allow Council to compile a list of what would need to be cut. It would give Council a better look at what they are looking at going forward. Bubb stated he researched the 1% credit. The ballot issue was in 1988. It was an Initiative Petition by the voters who placed it on the ballot. It was passed and at that point there was a 1.5% tax rate and a 1.5% tax credit. That was until July of 2012 at that point Council voted without a ballot measure to lower it to 1%. From that point on it was a 1.5% income tax rate and a 1% credit. Yes, it has appeared on the ballot but not at the request of the City and it has been managed without the ballot. (Mr. Barnett was removed from the meeting for vocal outbursts). Beshara stated that she hopes that we can adopt this because in November we do get the .5% back, it can be reconsidered

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by Council. It is something that we need. We are in dire straits and it is not because anybody is making any money off of the citizens, we are trying to get things done around here. I know that some people think we should go bankrupt, that's not how it should be, we live here. I care about the people here and I care about our services. We will not be in not great shape if we don't pass this. Nelson inquired if we have looked at what it looks like at 1% if we just maintain the 1%, do we have actual stuff in front of us that we have looked and said we have to cut this? Beshara stated that Bulp did cut the budget to 1% last year. So, 2023 is at 1%. Nelson stated that we, as Council haven't seen what those cuts look like. Bulp stated there haven't been any because frankly I don't think any of us are entirely sure what those cuts are going to be; there's really no fat in the budget. If this gets tabled, our hand is going to be forced to make some really uncomfortable choices. Nelson inquired why we haven't looked at that previously up until now? So, we know what we are looking at. Beshara inquired if anyone has reached out to Matt because we certainly can pull a couple of you together, have a finance sub-committee of two of you to look at that. That would not be an issue at all. I am telling you right now, if we don't bring in more money we are going to be in big trouble in the City. I cannot get grants for any of the side streets obviously, otherwise there just isn't any money and we need to manage the City as best as we can. Yes, we can look at that Amanda, I don't know what that would look like, what does Council want to cut and what can we cut? We have a very slim service department for example and we have a part time fire department. Nelson inquired why is it just now why we are having to ask what those cuts are going to be. Shouldn't that have already been looked at. Beshara stated again, she would like Council to have that conversation with us. If you look at the budget and said we have \$452,000.00 is our service department budget, including staffing. Where do we cut, do we cut 20% everywhere? What does it look like? Again, we are going to be bare bones if we make big cuts. I would rather see us do something that is pro-active. I agree with you, but we did take this budget down to 1%. Park stated we are down to 1% and we have it figured out what we are doing for this year. I struggle because I always want to do what is best for the City. In my mind what is best for the City right now is to pass this and get rid of the reduction. But the thing I struggle with is I sit up here and I always say that I am going to work with the people of Rittman to do what is best for them. What I want to know is if we can see what happens on the ballot and then take this reduction out for 2024. I know that makes it hard to budget, but we are not going to be going bankrupt this year. Beshara stated when emergencies happen you just don't know, and we never know when there is going to be an emergency or something comes up that we have to pay for. Bulp stated that he and Bobbie have had high level discussions on where they would start to cut things if we had to. At this point Chief Sweigert is already struggling to have staffing at Fire and Ems, so what do we cut? Wyatt stated that he has citizens asking when is Rittman going to make cuts? They don't realize the cuts that will be made will only hurt the citizens. We are trying to figure out what it looks like. Bulp stated that what it basically comes down to is we could make cuts here but that is going to horribly affect the City. There are already complaints that we are not maintaining the roads enough, what are we going to do, just stop all together? Are we going to not salt roads; there is only so much blood you can squeeze out of a turnip. There seems to be a feeling that there is a lot of extra room in our budget that we are just playing around with. It's really not the case. I know to the average person if you look City's budget for the year and it says 18 million in expenditures and even though even 10 of that is like grant and loan projects and truly not just money we are laying out. Even if you take that down, nine million dollars seems like a lot money, but when you are operating a City, it is not. You also need to consider another 4 of that is just water and sewer which is its own self-contained. The credit reduction estimation is that it will get us back to about where we were revenue wise before anything happened at the 1.5% rate and 1% credit, it will get us back to about there. Even there we were having concerns about how budgets were going to look a few years from now. Bobbie and I can have some meetings and we can make some really tough decisions about what those cuts look like to give a better idea, It's not like we are highly overstaffed, we are not investing in luxuries. Two police cars broke down yesterday. We have to fix them. Beshara stated to please pass this tonight. (Recording quit working at approximately 7:15 and resumed at approximately 7:25) Shows stated that the credit is not something that we can afford to give right now, just to maintain the status.

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I really worry about not being able to maintain. Everybody had tightened their belts this year, everybody went to 1% this year in the City and every department has been affected already this year. Park inquired what the difference was in passing this tonight or passing it in November. Bulp responded that he doesn't believe there is a difference. Park stated if there is no difference between tonight and November.... Wyatt stated we should wait until November. We are all reasonable, we all logical, we understand we need the money. Let's give the citizens a chance. Shows inquired tabling it to November to see if the tax increase passes, maybe not wait until November, but later in the summer to see what the cuts look like. Williams the stated that waiting until after the election is not to have a gun to the voter's head. Table it to after the vote. Simpson stated that if table it to a date specific it will be on that agenda automatically. Park stated we are telling the citizens that if the election to pass the .5% fails then the credit will be eliminated. It gives them a chance to have a discussion with us to figure out where we stand for sure. We are giving them the opportunity to have their voices be heard. Nelson stated she would like to get together to meet with Matt Bulp to actually see what that looks like. Bulp stated he will do his best to brain storm different scenarios. If any council member has any suggestions, he would gladly entertain any ideas. Williams inquired if there was any way to get the information out to the citizens that if you voted for the .5% it is cheaper to pay .5% than to have Council take the credit away. Working in Millersburg and living here I am going to pay almost 3%. Bulp stated if it is raised to 1.5% then people who are coming in from other places to work here are sharing the burden of that tax bill. If it is a credit reduction that is specifically hits the residents. Between the two I was hoping for the .5% to pass. I think that is the more equitable way all around. We also have to pay our bills. There is a lot of benefits to the residents of passing the .5% as opposed to having credit removed. The motion is to table until November, 13, 2023. Upon roll call Shows – No, Nelson – Yes, Williams – Yes, Wyatt – Yes, Carey – Yes, Park – Yes and **motion carried.** Tabled until 11-13-2023 for third reading.

b. **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. Second and Third Reading.** Res. No. 8356 was read on second reading. Park moved to suspend the rules, all Yeas on roll call and **motion carried.** Williams moved to adopt, all Yeas on roll call and **motion carried.**

## **New Business**

a. **Motion to Accept the Resignation of Jordan Hart from the Cemetery Board.** Beshara stated that Jordan has moved out of the City. Nelson so moved, all Yeas on roll call and **motion carried.**

b. **Motion to Appoint Jason Shipley to the Cemetery for the Unexpired Term of Jordan Hart.** Wyatt so moved, all Yeas on roll call and **motion carried.**

c. **Ord. No. 8358 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. 8358 was read on first reading. Carey moved to suspend the rules, all Yeas on roll call and **motion carried.** Williams moved to adopt. Williams inquired what the \$40,000.00 charge for Environmental Monitoring. Beshara stated that this was for EPA monitoring. The monitoring isn't every year, but it is big hit at one time. Hopefully next year it won't be as much. Park inquired about the sewer repairs. Mike Brown responded it was to replace the motors that went bad, they are in for repair right now. Technically we have five people on motors. We only have two right now. With a heavy rain we would be in trouble. That is an unexpected breakdown. At least getting another motor will give me three which will help us keep up the deep well if we do have a heavy rain. We are babying it along until we get our upgrade. Park inquired if that was one thing, the deep well repair and line camera repair, is that the same thing? Mike Brown

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replied that was separate as the camera we got a couple of years ago broke. The money that's there now that you see there is three different avenues that I can go down, I want to have it on the agenda now so when I make that decision I don't have to wait until the next Council meeting to do it. We may not be using all of that, as it is to prepare. All Yeas on roll call and **motion carried**.

d. **Res. No. 8359 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 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 and Capital Improvements of the City of Rittman and Declaring an Emergency. First and Second Reading.** Res. No. 8359 was read on first reading, Park moved to suspend the rules and have second reading all Yeas on roll call and **motion carried**. Carey moved to place on third. Nelson inquired if this was ballot language. Simpson replied that this is the Resolution that has to go before you pass the Ordinance. It's the Resolution stating that it is necessary for us to go up to 1.5% when we have the third reading, we will have the Ordinance that will have the ballot language. All Yeas on roll call and **motion carried**.

e. **Ord. No. 8360 An Ordinance of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Provisions of the Municipal Income 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 Improvements Fund and Declaring an Emergency. First and Reading.** Ord. No. 8360 was read on first reading, Carey moved to suspend the rules and have second reading all Yeas on roll call and **motion carried**. Carey moved to place on third. Bulp stated it may be prudent to change the ballot language rather than it being for general operations and capital to dedicate this .5% to City Safety Services. Hopefully we can add full time people in Fire and EMS because staffing is such an issue right now. As we discussed the .5% represents roughly \$800,000.00 per year which would really help with those departments. Some of the pros to this are that it could potentially free up general fund money to be used for items like infrastructure. The greater concern is that it would rely on being done in conjunction with a credit reduction, not instead of. The general fund still needs to operate. We are not talking about adding anything back into the general fund. Shows stated that they had discussed putting the .5% in just the general fund by maybe declaring where that .5% would directly go. Then the citizens would know that we can't put it anywhere else as a measure of maybe trying to help show the need and protect our Safety Services because ultimately that's one of number one expenditure. Park inquired if we do this for Fire and Police then we are still looking at reducing the credit. Bulp replied that would be the optimal scenario. As we discussed, just doing one or the other puts us back to where we were before we were considering asking for 2%. And we were considering asking for 2% for a reason. The status quo as we had it wasn't sustainable into the future so frankly; we may be having to consider a little bit of both or something additional either way. This plan was definitely put in mind, to help insulate the Safety Services from the current income tax issue by giving it a dedicated funding source as well as hopefully improving the efficiencies of the departments, add some full-time people in Fire and EMS, double staffing issues there. Possibly free up some money in other places, but that's a byproduct, ultimately the general fund will at some point need an additional infusion. We are looking at the street funds which have been pretty self-sufficient in the past, now that the City Manager has done very good job of improving our rate of street repairs. Those funds are going to need general fund support possibly as soon as next year in addition to the support that the general fund is providing to Fire and EMS. Shows inquired if Bulp was comfortable if we do the .5% to Safety Services across the board and then we only get the 1.5% and the credit is tabled and doesn't happen. Is that still sustainable or is that a recipe for disaster? Are they dependent on each other? Bulp responded he is comfortable whether we dedicate this to Safety Services or not that .5% in November will not be the last time we have to talk about

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something. It may put off further discussion for a couple years possibly but we are going to be having further discussions either way. Dedicating it to Safety Services for me is not a thing that is going to accelerate budget issues. They are still going to be there. Nelson inquired what the difference would be if it all goes to general and we still get rid of the credit as opposed to if we put it towards Safety Services and we get rid of the credit. Show clarified that if we put it in the general fund people don't understand where that goes and what it does. But allocating it is the only difference. Bulp stated the biggest departmental drain on the general fund is the Police Department and it is not particularly close. Putting this to Safety Services is money that was probably going to go to Safety Services anyway. If you bring it in for general operations, it all goes into a pot, then that pot supports everything in the general fund. Shows moved to amended from the general fund to safety services in all sections as amended, all Yeas on roll call and **motion carried**. Carey moved to place on third as amended, all Yeas on roll call and **motion carried**.

f. **Ord. No. 8361 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and state of Ohio, Amending Section 109.02 Scope of the Codified Ordinances of the City of Rittman and Declaring an Emergency. Three Readings.** Ord. No. 8361 was read on first reading. Nelson moved to suspend the rules, all Yeas on roll call and **motion carried**. Nelson moved to adopt. Bulp stated that this is for ways to allocate the City's interest earnings to different funds. A long time ago it was decided that interest would be allocated to the general fund, the street maintenance fund, the State highway fund and the Recreation Trust. At the end of the month the interest goes into an interest clearing account throughout the month. At the end of the month when I am closing the month, I test the fund balances of each of those funds against each other and get a percentage. That percentage is applied to how much interest goes to each place. In theory that is fine, but the Street Maintenance, State Highway and Recreation Trust Fund have such small balances compared to the remaining funds of the City all combined together that it is effectively a big administrative headache to go through the clearing fund process for what is amounting to 98% went to the general fund. On a month-to-month basis the Recreation Trust Fund is getting somewhere around \$20.00. That's not paying for anything, it's not funding anything. The timing of this is brought on by the fact that we are moving into our new payroll system. It's going to work a lot cleaner essentially if one of two things happen. The first option is that we put it all to the general fund, 98% is going there anyway, then it is free to be transferred wherever we feel like if we really wanted to go through an Ordinance to transfer \$40.00 to a fund we can. The other option is to continue sending interest to those individual funds but set a hard percentage instead of basing it on a comparison of fund balances. Say every month 80% is going to the general fund, 10% is going here and so on. For simplicity's sake and my general philosophy is that if you don't have to earmark money up front you shouldn't. You should allow yourself to use it for what it is needed for until such time as it is needed for something. I elected the route of putting it all in the general fund. So that is what I am asking for with this legislation. All Yeas on roll call and **motion carried**.

g. **Res. No. 8362 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Determining that the Atlas 2-Post Vehicle Lift Model PV15P 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 and Declaring an Emergency. Three Readings.** Res. No. 8362 was read on first reading. Carey moved to suspend the rules, all Yeas on roll call and **motion carried**. Wyatt moved to adopt. Williams inquired what this was. Mike Brown stated that it is used at the service garage to service the ambulances and one ton dump trucks. It was purchased about seven years ago. This wasn't really a commercial lift to be used every day with heavy equipment. I think a year ago they got a new one. This one was having problems and not worth fixing anymore. It is better off to sell it. Williams indicated if there was any liability when selling it. Simpson replied it is being sold as is. All Yeas on roll call and **motion carried**.

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**h. Res. No. 8363 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Determining that 3.033 Acre Parcel of Land on Ritter Drive 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 and Declaring an Emergency. First and Second Reading.** Res. No. 8363 was read on first reading. Nelson moved to suspend the rules and have second reading, all Yeas on roll call and **motion carried**. Nelson moved to place on third reading. Nelson inquired if this was Lincoln Park. Beshara replied it was. Park inquired if we were maintaining it. Beshara replied they were somewhat. Williams inquired what the appraisal was. Beshara stated that they would discuss it in Executive Session. All Yeas on roll call and **motion carried**.

**City Managers Remarks**

**Pre-Construction meetings for infrastructure projects** - I am happy to report that the preconstruction meetings for Sterling Avenue and W Ohio will commence this week. We are looking forward to both of these roads being resurfaced. I will let Council know that dates that construction will commence. Also, we will make sure that we stay away from Sleepwalker for the W Ohio project. We are still waiting on approval from the US EPA on the main transmission line as the Ohio EPA has sent it for a final review.

**Economic Development** - the city continues to receive inquires on 100 Industrial as we work with our TeamNEO and WEDC teams, along with the property owner when we receive these leads. Economic Development is very competitive, especially in the state of Ohio but we have all of the up-to-date information to give to the potential new owners as they assess the property. We are very happy that leads on this site have been picking up lately.

**Summer Solstice evening hike on the WJR Nature Preserve – Wednesday, June 21** - please join us and invite your friends and family for an evening hike on the north side of the preserve. We will meet at 7:30 pm near the kayak launch. We will be celebrating the summer solstice on Mount Rittman as the sun will set at 9:03 pm so if you cannot make the entire hike, we will see you on top of Mt. Rittman!

**Property Maintenance concerns** - please know that we are addressing concerns and if you see tall grass, weeds, unkept property, etc. or receive phone calls or emails, please call City Hall so we can send the complaints to property maintenance.

**Finance Director's Remarks**

The new ERP System will be live this month. At the end of this week all data entry into CMI will cease. We will be unable to enter new data into the new system for a week. Monday the 26<sup>th</sup> we will have full access to the new system.

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

**Council Remarks**

Nelson – the Chamber Fundraiser Event, The Night at the Races is June 24<sup>th</sup>. There are about 20 tickets left so if you are interested. There is time.

Park – nothing tonight.

Williams – thank you everyone who showed up. I'm glad that we had discussion about the tax issue and the forgiveness. I know it causes great anxiety. I think we need to trust the tax payers and see what they do. If they don't then we will have to take nuclear option, but hoping that we don't but at least giving them the chance and listening to them was the appropriate move and hopefully it works out. This is why we open these discussions

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up give it a try. Keep getting the information out there that we would rather pay .5% if it goes for First Responders and Safety Services, I think that is a great thing to support our brothers and sisters in Fire and EMS and Law Enforcement.

Wyatt – I echo what Dave said. Thanks for coming out.

Carey – also thank you for coming out and same.

Shows – nothing further.

a. **Approval of Voucher #'s 17573 thru 17722 and Memo #'s M52301 thru M52317.** Shows moved to approve, upon roll call Williams – Yes, Park – Yes, Shows – Yes, Wyatt – Yes, Carey – Yes, Nelson - Abstain and **motion carried.**

b. **Motion to go Into Executive Session in Accordance with ORC 121.22 to Discuss Sale of Property and to Discuss Pending Litigation and to Invite the Finance Director, the Law Director and the City Manager – 8:22 p.m.** Shows so moved. Nelson seconded the motion, all Yeas on roll call and **motion carried.**

c. **Motion to Come Out of Executive Session – 8:52 p.m.** Williams so moved, all Yeas on roll call and **motion carried.**

**Adjourn: 8:53 p.m.** Wyatt moved to adjourn, all Yeas on roll call and **motion carried.**

  
Mayor

  
Clerk of Council