

**RITTMAN CITY COUNCIL – AGENDA**  
**REGULAR MEETING**  
**November 14, 2016 at 7:00 p.m.**

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Minutes – October 24, 2016**
- 5. Presentation**
  - a. Lindsay Kuhn Blair from the State Auditor’s Office to Present to Pam Keener the Ohio Auditor of State Award with Distinction.**
- 6. Citizens Forum**
- 7. Old Business**
  - a. Ord. No. 7987 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Establishing a Design Review District, a Design Review Commission, and Enacting Design Review Guidelines for the City of Rittman, Ohio and Declaring an Emergency. Second Reading.**
  - b. Ord. No. 7988 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 509.081 (a) and (c), Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed, of the Codified Ordinances of the City of Rittman and Declaring an Emergency. Second Reading.**
  - c. Ord. No. 7989 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Providing for the Compensation of Certain City Employees, Effective Date and Declaring an Emergency. Second Reading.**
- 8. New Business**
  - a. Motion to Cancel the Second Council Meeting Scheduled for November 28, 2016.**
  - b. Res. No. 7990 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio Determining that Certain Personal Property Owned by the City of Rittman is no Longer Needed for Municipal Purposes and Authorizing the Municipal Manager to Solicit Bids for Sale as Required by Law. First Reading.**

- c. **Ord. No. 7991** **An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 7908, as Amended According to the Attached Sheet(s) and Declaring an Emergency. Three Readings.**

**9. City Manager's Remarks**

**10. Finance Director's Remarks**

- a. **Approval of Financial Report for October**

**11. Council Remarks**

- a. **Approval of Vouchers #'s 5542 thru 5567 and Memo Expense #'s MO1611 thru MO1616.**

**12. Adjournment**

# RECORD OF ORDINANCES

Ordinance No. 7987

Passed 20 16

ORDINANCE NO. 7987

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, ESTABLISHING A DESIGN REVIEW DISTRICT, A DESIGN REVIEW COMMISSION, AND ENACTING DESIGN REVIEW GUIDELINES FOR THE CITY OF RITTMAN, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to improve, modernize, enhance and make more aesthetic its downtown business area; and

WHEREAS, grant funding is or may be available to fund such a project at minimal cost to the City; and

WHEREAS, in order to obtain funding the City must establish a Design Review District, a Design Review Commission and enact design review guidelines.

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.

A Design Review District, a Design Review Commission and design review guidelines are established in the City of Rittman pursuant to the attached Exhibit "A" which is incorporated herein.

SECTION TWO.

In order to expedite obtaining funding for this project 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.

Passed: , 2016

Attest:

Mayor

Clerk of Council

## CITY OF RITTMAN ORDINANCE NO.

### AN ORDINANCE ESTABLISHING A DESIGN REVIEW DISTRICT, A DESIGN REVIEW COMMISSION, AND ENACTING DESIGN REVIEW GUIDELINES FOR THE CITY OF RITTMAN, OHIO.

WHEREAS, Council hereby declares as a matter of public policy that distinctive areas of the City of Rittman where structures tend to be more than 50 years of age, exemplify a predominant architectural style, possess historical significance, and/or portray the early development of the City collectively contribute to the economic, cultural, and educational development of the City of Rittman, and

WHEREAS, Council hereby declares as a matter of public policy that the preservation and enhancement of such historic buildings and areas in the City of Rittman is a public necessity and is required in the interest of the health, safety, and welfare of the people, and

WHEREAS, Council hereby declares the necessity to identify areas, places, buildings, structures, sites, objects, and works of art based upon historic, architectural, archaeological, or cultural significance related to the historical development of the City for establishment as a Design Review District(s), and

WHEREAS, Council hereby declares as a matter of public policy that historic preservation and enhancement of such buildings and areas in the City of Rittman is necessary to foster civic beauty, stabilize and increase property values, strengthen the local economy, maintain and enhance the distinctive character of historic buildings and areas, safeguard the heritage of the City of Rittman by preserving districts which reflect elements of its history, architecture, archaeology, engineering or culture, protect and enhance the City's attractions to prospective residents, businesses and tourists, and facilitate reinvestment in and revitalizations of certain older districts and neighborhoods; and

WHEREAS, Council hereby declares the necessity to establish a Design Review Commission and procedures for the enforcement of historic design review guidelines whereby historic, architectural, archaeological, and cultural resources within the duly designated Design Review District(s) are afforded protection from actions that would be detrimental to their preservation, enhancement, and continued use, as well as to prevent inappropriate or incompatible construction within the Design Review District(s), and

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Rittman, Wayne County, State of Ohio, a majority of all Council members elected thereto, concurring that:

#### **Section One: Purpose**

The purposes of this Ordinance are:

- A. To establish procedures whereby certain specified areas of the City of Rittman are afforded protection from actions that would be detrimental to preserving established historic and cultural resources in the community, and to pursue the following objectives:
  1. Maintain and enhance the distinctive character of historic buildings and historic areas.
  2. Safeguard the architectural integrity of historic properties and resources within designated districts.
  3. Seek alternatives to demolition or incompatible alterations within designated areas before such acts are performed.
  4. Encourage development of vacant properties in accordance with the character of the designated districts.
- B. To contribute to the economic, cultural and educational development of the City of Rittman by:

1. Protecting and enhancing the City's attractions to prospective residents, businesses, and visitors.
2. Providing support and stimulus to business and industry.
3. Strengthening the economy of the City by stabilizing and improving property values.
4. Facilitating reinvestment in and revitalization of certain older districts and neighborhoods.

## Section Two: Definitions

As used in this Ordinance, certain terms and words are hereby defined. Any term not defined herein shall be as defined elsewhere in the City Code; or, if not defined therein, as defined in Black's Law Dictionary; or, if not defined therein, as defined in Webster's New Collegiate Dictionary. Words used in the present tense include the future, the singular number includes the plural and the plural the singular; "building" includes "structure" and "shall" is mandatory and not directory; the word "may" is a permissive requirement and the word "should" is a preferred requirement.

- A. **Addition:** Any act or process that changes one or more of the exterior architectural feature of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
- B. **Alteration:** Any act or process that changes one or ore of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure.
- C. **Applicant:** Any building owner or designated agent of the owner who submits an application.
- D. **Architectural Feature:** Those elements that characterize an architectural style, general design, and arrangement of the exterior of a structure, including, but not limited to the type, color, and texture of exterior building surfaces, windows, doors, roof, porches, cornices, decorative trim, and other appurtenant fixtures.
- E. **Building:** Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.
- F. **Certificate of Appropriateness:** A certificate issued by the Design Review Commission indicating that a proposed exterior alteration or demolition or in-fill new construction within the Design Review District is in accordance with provisions of the Design Review Standards.
- G. **Change:** Any exterior alteration, demolition, removal or construction involving any property subject to the provisions of this Ordinance.
- H. **Construction:** The act of constructing an addition to an existing structure or the erection ort a new principal or accessory structure on a lot or property.
- I. **Council:** The Rittman City Council.
- J. **Demolition:** The razing or destruction, whether entirely or in part, of a building including demolition by neglect.
- K. **Design Review District:** A clearly identified area, so designated by Ordinance and not necessarily having contiguous boundaries that contains one or more Locally Significant Resources.

- L. **Design Review Commission:** Persons appointed by City Council and charged with carrying out the objectives of the Design Review District Ordinance.
- M. **Design Review Standards and Guidelines:** The building construction and building rehabilitation criteria derived from historical and architectural information reflecting a particular historic district to be used by the Design Review Commission in considering an application.
- N. **Historic Integrity:** A composite of seven component elements of a historic period and that are present today in the same configuration and similar condition, including: location, design, setting, materials, workmanship, feeling, and association. These components serve as the benchmark for identifying which resources contribute to significant aspects of a neighborhood's history and that determine whether subsequent proposed changes contribute to or detract from its spatial organization, physical components, aspects of design, and historic associations that it acquired during its period of significance. Exterior alterations introduced after the period of significance generally detract from integrity. Their impact on the district's overall integrity, however, depends on their scale, number, and conformity with the historic design. The presence of certain characteristics may be more important than others.
- O. **Historic Inventory:** A list of Locally Significant Resources identified by the Design Review Commission and kept at the Municipal Building for review by the public. This inventory consists of a completed Ohio Historic Inventory Form, a Facade Condition Survey Form, and a recent photograph of each historic resource within the City.
- P. **Landmark:** Any building, structure, or archaeological site that has been designated as a "landmark" by ordinance of the City Council, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.
- Q. **Local Significance:** Attributes of a structure or district that possess integrity of location, design, materials, workmanship, and association.
- R. **Locally Significant Resource:** A publicly or privately owned structure, object, or site that is at least fifty (50) years old and which has achieved historic, cultural, architectural, or archeological significance in at least one of the following four criteria:
1. It has value as a site of historic events that have made a significant contribution to the broad patterns of history in the area.
  2. It has value as a site identified with a person or persons who significantly contributed to the culture and development of the area.
  3. It has value as a site characterized by a distinctive architectural style, embodying elements of architectural design, detail, materials, or of a type, period, or method of craftsmanship.
  4. It has value as a site that has yielded or may be likely to yield information important in history or prehistory.
- S. **Ordinary Maintenance:** Includes the repair or replacement in kind of features, including but not limited to the roof, eaves, downspouts, siding, windows and doors, provided that it does not result in a change of material, texture or architectural feature. For the purposes of this Ordinance, sandblasting of masonry and chemical cleaning of masonry is not considered ordinary maintenance.
- T. **Owner:** the owner or owners of record

- U. **Preservation:** The act or process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure, and provide structural safety without changing or adversely affecting the character or appearance of the structure.
- V. **Reconstruction:** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- W. **Rehabilitation:** The act or process of returning property to a state of utility, through repair or exterior alteration, which makes possible an efficient, contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
- X. **Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.
- Y. **Secretary of the Interior's Standards:** Ten standards first developed by the U.S. Department of the Interior to evaluate proposed treatments of historic properties and to ensure that work affecting a historic property would be consistent with the character of the building and the district in which it is located.

### **Section Three: Establishment of the Design Review District**

The Design Review District is established as defined by the map attached to this Ordinance.

### **Section Four: Design Review Commission**

- A. **Design Review Commission Established.** There is hereby established a Design Review Commission whose responsibility it shall be to develop an expertise in historic building architectural design, establish a Locally Significant Resource Inventory, conduct administrative hearings for Certificate of Appropriateness Review, and discharge the design review procedures and duties set forth in this Chapter.

#### **B. Organization and Meetings**

1. **Membership.** The Design Review Commission shall consist of five (5) members who shall be nominated by the Mayor and appointed by City Council.
  - (a) **Alternates.** City Council, upon nomination by the Mayor, may appoint an additional two (2) alternate members to the Design Review Commission who shall serve in the absence of a member of the Commission (in the order of appointment) with all rights of a member of the Commission.
  - (b) **Qualifications.** Each member and alternate member shall have, to the highest extent possible, a recognized knowledge of, and a known interest in architectural preservation and design and a determination to work for the overall improvement of the quality of the physical environment of the City. The members of the Design Review Commission shall at all times consist of:
    - (1) One (1) City merchant who operates a business in the Design Review District.
    - (2) One (1) individual who owns property in the Design Review District.

- (3) One (1) member of the Rittman Chamber of Commerce.
- (4) One (1) City resident who does not own, lease or operate a business or property in the Design Review District.
- (5) One (1) representative from any of the following organizations: Ola Podrida, Delta Arts, Rittman Planning Commission; or the City Manager or his staff designee.
- (6) One (1) preservation related professional member to the extent such professionals are available in the community (this shall include the professions of architecture, architectural history, history, archaeology, planning or related disciplines).
- (7) Notwithstanding anything to the contrary hereinbefore set forth, the Design Review Commission shall at all times have three (3) Members who are residents of the City of Rittman.

2. Term of Office. Appointments to the Design Review Commission shall be for four (4) year terms. Initial appointments to the Commission shall be adjusted so that not more than two terms on the Commission expire in any one year. The terms of the first Commission members shall terminate on the 31st of December which follows the first day of the last year of their appointment. Thereafter, the term of new Commission members shall be deemed to commence on January 1st of each applicable term.

(a) *Removal from Office.* All Design Review Commission members and alternates may be removed for cause by City Council.

(b) *Vacancies.* Vacancies shall be filled for the duration of an unexpired term in the same manner as the original appointment.

3. Compensation of Members. All members of the Design Review Commission shall serve without compensation.

4. Officers. The Design Review Commission shall elect a Chairperson and a Vice-Chairperson at its initial meeting and thereafter at the first meeting after January 31 of each year. The Commission may also create and elect a member to a position of Second Vice-Chairman.

(a) *Duties of the Chairperson.* The Chairperson shall conduct the meetings of the Design Review Commission according to established rules of procedure, determine the order of meeting agendas, administer oaths to each person offering testimony for consideration of such Commission, and sign any certificates or documents as ordered by a vote of such Commission.

(b) *Duties of the Vice-Chairperson.* The Vice-Chairperson (or Second Vice-Chairman, if applicable and in the absence of the Vice-Chairman and Chairman) shall perform the duties of the Chairman in the event of the Chairperson's absence.

5. Staffing. All City employees and agencies shall cooperate in expediting the purposes of this Ordinance and the functions of the Design Review Commission.

(a) The City Manager shall designate a staff person from the administration to perform the secretarial duties of the Design Review Commission. Secretarial duties shall include: keeping of all minutes of the meetings, the tape-recording of any administrative hearing held by the Commission, keeping the calendar of meetings and events pertaining to such Commission, keeping each member apprised of meeting times, dates and agendas, distribution of a copy of documents, drawings, and other papers for each item of business

which comes before such Commission, maintenance of records and communication of all correspondence to and on behalf of such Commission, and preparation of Certificates of Appropriateness to be used by the Commission.

(b) The Zoning Inspector shall receive and process all applications for Certificates of Appropriateness to the Design Review Commission. The Zoning Inspector shall ensure that any application for a Zoning Permit, where a Certificate of Appropriateness is also required, shall first receive a Certificate of Appropriateness from the Design Review Commission prior to Zoning Permit application review. The Zoning Inspector shall enforce all approvals issued by vote of the Commission by including any conditions required by a Certificate of Appropriateness as part of the conditions of a subsequent Zoning Permit.

(c) The administrative offices of the City shall serve as the repository of the official files of the Design Review Commission. The City Manager shall be responsible for making such files available to the public to serve as a basis for prospective applicants to conform their plans with established policy, for the public to review applications for pending hearings, or as otherwise directed by law.

(d) The City shall maintain a library of preservation resources to be used by Design Review Commission members for the purpose of increasing their knowledge of architectural preservation and design. These resources will also be made available to owners of a Locally Significant Resource in the City on a lending library basis with reasonable return due dates.

6. Meetings. All meetings of the Design Review Commission shall be open to the public and the conduct of such meetings shall be subject to Ohio Sunshine laws, including providing advance public notice of meetings to any person, business, or organization that provides an annual written request for same.

(a) *Procedures.* The Commission shall adopt rules and regulations consistent with this Ordinance governing its procedures and transactions.

(b) *Location.* All Commission meetings shall be held at the Municipal Building or other public place.

(c) *Frequency.* Meetings shall be held at least once each month when there are applications for Certificates of Appropriateness to be considered and not less than once every three (3) months for such other related work as may be accepted through request of Council, the Planning Commission or undertaken on its own motion. Special meetings may be held at the call of the Chairperson.

(d) *Quorum.* If no alternate members of the Design Review Commission have been appointed by Council, a simple majority of the members shall be a quorum for the transaction of business. Otherwise, the quorum requirement shall be four (4) members.

(e) *Voting.* Any actions or decisions of the Design Review Commission shall have the support of a simple majority of the members in attendance at the time of the vote.

(1) To avoid conflicts of interest, Commission members shall not vote on cases in which they have economic interests.

(2) Members who do not approve or concur with the outcome of a vote have the right to state, as part of the minutes, their reasons for refusing to approve or concur.

- (f) *Minutes.* Written meeting minutes of the findings and the results of Design Review Commission decisions shall be available for public inspection. The minutes of meetings shall be maintained for a period of seven (7) years.

C. **Powers and Duties.** The Design Review Commission shall not have the power to take any action, or supersede any action, authorized to be taken by any other body or officer of the City by the Codified Ordinances of the City. The Commission shall have the sole power to permit, by approval of the application of any property owner, the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or new construction within the historic district. The Commission shall determine the appropriateness of the application regarding demolition, construction, preservation, restoration, reconstruction, and rehabilitation of structures, within the designated historic district. The Commission is charged with the following duties and responsibilities:

1. Training and Continuing Education

- (a) All members of the Design Review Commission shall be provided with a copy of, and be completely familiar with, the "The Secretary of Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings" by Morton, Hume, Weeks and Jandl (United States, National Park Service, Preservation Assistance Division, 1991, as reprinted in 1997). These copies shall remain the property of the City of Rittman and shall be returned to the City when a term has been fulfilled or a resignation is tendered.
- (b) All Members shall make diligent attempts to attend educational sessions when available and to share information with other Design Review Commission members in order to increase knowledge of architectural design and preservation issues. Members are encouraged to establish a network of technical experts and confer, as may be required, to better evaluate a Locally Significant Resource or render a judgment on a Certificate of Appropriateness.
- (c) In the interest of enhancing public confidence in the Certificate of Appropriateness application process, the Design Review Commission may recommend the inclusion of funds in the annual City budget for preservation reference materials, for continuing education courses for Commission members, and for other preservation-related activities.

2. Locally Significant Resource Inventory

- (a) The Design Review Commission shall establish and maintain an inventory of all sites in the Design Review District, by conducting, at least every ten (10) years, surveys of all exterior elevations visible from the street. For each property within the District, this inventory shall consist of a completed Ohio Historic Inventory Form, a Facade Condition Survey Form and a recent photograph of each structure. All Locally Significant Resources, as defined herein and duly designated by Council, shall be identified in the inventory. A copy of this inventory shall be kept in the Municipal Building and be available for review by the public.
- (b) The Design Review Commission, on its own or at the request of a building owner, may recommend to Council that the designation of Locally Significant Resource be assigned to each building within the Design Review District that meets the criteria in the definition of a Locally Significant Resource. When necessary, the Commission may also recommend that a designation of Locally Significant Resource be rescinded. Council may act upon such recommendations by resolution.
- (c) The Design Review Commission may conduct and maintain a continuing survey of resources of local significance in the community, including buildings, structures, site, objects and areas of architectural, historic, cultural, archeological, or aesthetic interest.

(d) In considering the designation of any area, property, or site as an historic district or Locally Significant Resource, the Commission shall apply the following criteria:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, state, or nation;
- (2) Its location as a site of a significant historic events,
- (3) Its identification with a person significant in our past,
- (4) Its exemplification of the cultural, economic, or social heritage of the City, state or nation,
- (5) Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style,
- (6) Its embodiment of distinguishing characteristics of a building type or architectural style
- (7) Its embodiment of elements of architectural design, detail, materials or craftsmanship,
- (8) Its identification as the work of an architect or master building whose work has influenced the City, state or nation,
- (9) Its potential to yield information important in prehistory or history (archaeology)

3. Certificate of Appropriateness Review

- (a) It shall be the responsibility of the Design Review Commission to conduct an administrative hearing to hear, review, and evaluate the design and planning proposed in all applications for Certificates of Appropriateness for each structure proposed for new construction, renovation, expansion, overall development, or demolition on a site located within any of the established design review districts.
- (b) The Design Review Commission, in performance of its duties, shall be empowered to approve or prescribe modification of the proposed architectural design or site planning in the application, or may deny approval as may be appropriate to assure the proposed development complies with the design standards developed for the design review districts.

4. Advocacy. On behalf of the City, the Design Review Commission shall:

- (a) Work for the continuing education of the residents of the City, with respect to the architectural and historic heritage of the City and the identification and preservation of Locally Significant Resources in the designated Design Review District.
- (b) Act as a municipal liaison to individuals and organizations regarding the protection and restoration of local Locally Significant Resources.
- (c) Encourage and assist building owners with procedures for seeking Federal National Register designation.
- (d) Assist the City, business owners, and residents in the application for grants and other financing available for the preservation of Locally Significant Resources.
5. Advisory Role. The Design Review Commission may act in an advisory role to City officers, departments, committees, commissions, or boards where the action or inaction taken by the aforementioned entities may affect the preservation of Locally Significant Resources. In this capacity, the Commission may:

- (a) Act in an advisory role to City officials in the updating of the City's Master Plan.

- (b) Recommend to City Council any additions or revisions to the Design Review District Ordinance deemed necessary or for the inclusion of properties to the Design Review District.
- (c) Evaluate and comment upon decisions by other municipal agencies which affect the physical development and land use patterns with regard to historic or architecturally significant structures and the aesthetic compatibility of buildings within the Design Review District.
- (d) Make recommendations to Council concerning the utilization of available grants from Federal and State Agencies, private groups, individuals and the utilization of budgetary appropriations to promote the preservation of Locally Significant Resources within the District.
- (e) Make streetscape recommendations to City Council regarding public amenities within any designated Design Review District, including paving of streets and sidewalks, placement and design of streetlights, street furniture, and signage in the public right-of-way.

## **Section Five: Certificate of Appropriateness Review Procedure**

### **A. Certificate of Appropriateness Required**

1. A Certificate of Appropriateness must be obtained prior to commencing new construction, reconstruction, or any remodeling or other modification, alteration, replacement, or visible changes to the exterior of any structure, or other visible improvements to structures in the Design Review District. Other visible improvements may include exterior elements such as fences, signs, awnings, balconies, shutters, and satellite dishes.
2. Applications for Zoning Permits or Building Permits for such changes within a designated Design Review District shall be deemed incomplete without written application for a Certificate of Appropriateness or approval by the Design Review Commission.
  - (a) *Single Family Residential.* Any property principally used for single family residential purposes, or any accessory structures to said residential property, when located in the Design Review District.
  - (b) *Ordinary Maintenance and Painting.* Normal and customary building maintenance activities and painting of an architectural feature or other visible exterior improvement, provided such activities do not render the structure concerned incompatible with the standards of the Design Review District.
  - (c) *Emergency Repairs.* Emergency repairs to the exterior of a property where such repairs are:
    - (1) Not caused by the neglect of the property owner;
    - (2) Necessary for the preservation of the structure; and
    - (3) Full restorations of all elements changed by the emergency repair are restored within twelve (12) months pursuant to the Certificate of Appropriateness process described herein.
3. Exceptions: A Certificate of Appropriateness shall not be required for the following structures and activities:

(d) *Emergency Demolition.* Upon a demolition order by either the Fire Chief or the City Manager based upon immediate danger to the public health and safety.

B. **Application.** Written application for a Certificate of Appropriateness may be submitted separately or in conjunction with a Zoning Permit application. In order to meet staff review and notice provision requirements, all applications for a Certificate of Appropriateness shall be made at least twenty (20) days before a scheduled Design Review Commission meeting.

1. Contents. Blank applications for a Certificate of Appropriateness shall be available at the City offices. Whether the application for a Certificate of Appropriateness is separate or in conjunction with a Zoning Permit application, the application for a Certificate of Appropriateness shall be accompanied by the following specific information:

- (a) Address of the property for which the Certificate of Appropriateness is being requested.
- (b) The name, mailing address, and phone number for the property owner and any tenant which occupies the structure.
- (c) A narrative which clearly describes the proposed activity subject to Design Review Commission review.
- (d) Two color photographs of the present facade of each exterior wall of the building which is proposed to be altered or changed, including fences, signs, and satellite dishes, or other visible exterior improvements (Photographs must be of an adequate size, detail, and clarity for reasonable review and use by the Design Review Commission).
- (e) The plans of the location and dimensions of the proposed changes or exterior alterations to the proposed building(s) or alteration drawn as near as possible to scale. Such plans shall depict and fully describe using notations:
  - (1) All proposed exterior changes and additions, including structural changes, windows and doorways, rooflines, fences, signs, awnings, balconies, shutters, satellite dishes and/or other visible exterior improvements; and
  - (2) A description and samples of the proposed materials and colors to be used.
- (f) Any applicable fees as may be directed by Ordinance of Council. No application for a Certificate of Appropriateness shall be deemed complete unless accompanied by the proper fee.

2. Determination of Completeness. Upon receipt of the application for a Certificate of Appropriateness, the Zoning Inspector shall make a determination the application is complete. The applicant shall be informed of any omissions to the application. The determination that an application is "complete" shall be noted on the face of the application by the Zoning Inspector.

3. Scheduling Administrative Hearing. Upon a determination the application is complete, the Zoning Inspector shall confirm with the Design Review Commission Chairman the date the application will be heard by the Design Review Commission, which may be at the next regularly scheduled meeting or a special meeting of the Commission pursuant to Section Four.B.6.(c) (Frequency).

#### C. **Notice of Administrative Hearing**

1. A complete request for a Certificate of Appropriateness shall be forwarded to the Design Review Commission members as soon as possible by the administrative secretary designated by the City Manager, with notice of the time, date, and place of the meeting.
2. At least twelve (12) calendar days in advance of the date the Design Review Commission is to convene to review the request, first-class mail written notice of the subject, time, and place of the public hearing shall be delivered to the applicant, owner, tenant, and to the owners and tenants of adjacent properties. Such adjacent properties shall include those within one hundred (100) feet or at least two (2) properties deep from the subject property and those directly across the public right-of-way from those properties receiving notice. Such notice shall also be sent by first-class mail to any person who within the past twelve (12) months has submitted a written request with the Zoning Inspector to be notified of an application for a Certificate of Appropriateness. In the alternative, the notice may be hand-delivered within ten (10) days in advance of the meeting where a memo of hand-delivery is maintained containing the signature of the intended recipient.
3. Notice shall also be posted by a sign placed on the subject property for at least ten (10) days prior to the date of the hearing. The notice shall contain the subject, time, and place of the meeting.
4. The City Manager shall make the application and all exhibits, attachments, correspondence and notices pertaining to the application available for public review for at least ten (10) calendar days prior to the administrative hearing during Municipal Building business hours.
5. The Commission shall make a determination on an application for Certificate of Appropriateness within thirty (30) days of the filing of the action, or within 60 days if a public hearing is required, unless the applicant approved an extension of time. The Commission may also table the application to acquire additional information, or for lack of information, or clarification until the next meeting or for a specific period of time. If the board fails to render its decision within the specified time period, the application for Certificate of Appropriateness shall be deemed approved.

#### **D. Design Review Commission Action**

The responsibility of review and approval or denial of the application for a Certificate of Appropriateness shall rest with the Design Review Commission. The Commission shall review an application for a Certificate of Appropriateness in accordance with its duties and responsibilities as listed in Section Four.C.3. (Certificate of Appropriateness Review) and the appropriate design review standards for the district as listed in Section Six (Design Review District Standards).

1. Conflicts of Interest and Ex-Parte Communications. All conflicts of interest and ex-parte communications of the applicant with Design Review Commission members are to be disclosed at the beginning of the public hearing by the Commission members. In addition, Commission members shall immediately provide the City Manager with a written summary of any ex-parte communication with the applicant between the time of application and prior to a decision on the application by the Commission for public review.
2. Testimony. All testimony from the applicant or other parties of interest shall be taken under oath. Testimony from experts and non-experts shall be limited to reliable, probative, and substantial evidence. All testimony shall be subject to cross-examination.
3. Deliberation. Upon close of the administrative hearing, the Design Review Commission shall deliberate upon the application, make findings of fact, and reach a decision. If time does not permit adequate deliberation, the matter may be continued for a decision at a meeting open to the public at a date, time, and place. If specified at the time of the continuance, no additional notice of the meeting continuance need be made.

4. Decision by the Commission. The Design Review Commission shall review each application and approve, approve with modifications or conditions, or disapprove such application within fifteen (15) days of the close of the administrative hearing. The decision shall be issued in the form of a written, Final Order in which the Commission expressly sets forth the findings and conclusions of fact used as the basis or rationale for its decision.

(a) *Approval.* If the Design Review Commission determines that the proposed activity will have no adverse effect on a designated Locally Significant Resource or any standard of the applicable Design Review District, the Commission shall approve the application.

(b) *Approval with Modifications.* The Design Review Commission may approve the application with modifications or conditions placed upon the approval regarding the proposed size, shape or materials proposed to be used in constructing or installing the proposed improvements, or other limitations necessary to maintain the local significance of the property or district, where the applicant agrees to such modifications and conditions. Such conditions shall be made part of any subsequent Zoning Permit approval.

(c) *Disapproval.* In the event that the Design Review Commission determines that an application shall be disapproved, the Zoning Inspector shall notify the applicant in writing within ten (10) calendar days of the reasons for disapproval and may include recommendations regarding the proposed construction activity. The Zoning Inspector shall not issue a Certificate of Appropriateness or Zoning Permit for such project after disapproval by the Commission.

(1) Upon disapproval, the Design Review Commission shall offer to "stay" the Final Order and undertake continuing and meaningful discussions with the applicant in order to develop a compromise proposal acceptable to both. Such discussions shall extend over a period of at least thirty (30) days, but shall not exceed six (6) months from the date of disapproval.

(2) In the case of denial of an application for demolition, the Design Review Commission shall offer to investigate the feasibility of all means of preserving the listed property, including purchase by a third party.

i. If the Design Review Commission and applicant cannot agree on a means of preserving the structure at the initial meeting, then the Commission shall continue to schedule good faith meetings at least every forty-five (45) days after the initial meeting. If the applicant fails to meet with the Commission in good faith at the time specified, then discussions may terminate. Upon termination for any reason, the Commission shall inform the applicant in writing of the termination of such good faith discussions and that the Final Order for denial of the application shall stand.

ii. If a compromise proposal is accepted by both the applicant and the Design Review Commission, or if the Commission determines that preservation of a structure proposed for demolition is not feasible, the Commission may henceforth reverse its Final Order and issue a Certificate of Appropriateness.

(3) If, after holding such good faith meeting(s) over the continued discussion period specified by the Design Review Commission, no alternative property use is developed or no offer to preserve the structure or architecturally significant features is made by the applicant, the City, or a third party, then the Commission may also consider whether failure to issue a Certificate of Appropriateness will create a substantial hardship to the applicant and whether such Certificate may be issued

without substantial detriment to the public welfare and without substantial derogation from the purposes of this Ordinance. In such event, the Commission may grant the application, with or without modifications, and issue a Certificate of Appropriateness for such proposed construction, reconstruction, exterior alteration or demolition.

5. **Certificate of Appropriateness.** Upon approval by the Commission, the Zoning Inspector shall issue a Certificate of Appropriateness to the applicant within ten (10) days thereafter. Any approved modifications or conditions shall be stated upon the Certificate and made part of any subsequent zoning approval.

(a) A Certificate of Appropriateness is valid for one (1) year from the date of approval. Unless the work described in the approval from the Design Review Commission is commenced within one (1) year and continued progress is made and is completed within two (2) years, the Certificate of Appropriateness shall expire as a matter of law. The Commission may grant an extension of time for good cause shown.

(b) Receiving a Certificate of Appropriateness does not negate requirements to adhere to Zoning Code, Building Code, and all other applicable regulations of the City, County, and/or State.

(c) When a Certificate of Appropriateness is issued for demolition, the applicant shall receive further written instruction that new in-fill construction in the Design Review District is subject to review by the Design Review Commission.

**E. Action on Applications to be Recorded.** The administrative secretary for the Design Review Commission shall assemble a file record of all applications for a Certificate of Appropriateness including proof that all notices were timely given, a tape recording of the hearing and all testimony, copies of all documents pertinent to the record, and a copy of the written findings of fact and all action taken on each application. The file records shall be maintained by the City Manager on behalf of the Design Review Commission.

**F. Appeal of Denied Applications**

1. In the event an application for a Certificate of Appropriateness is denied by the Design Review Commission, the applicant shall have a right of appeal to the Planning Commission.
2. An appeal shall be taken by filing a notice of the appeal, specifying the grounds thereof, with the City Administrative Offices within twenty (20) calendar days after the decision of the Design Review Commission. The Administrative Offices will forward the appeal to the Planning Commission, with a copy to the Chairman of the Design Review Commission.
3. The Planning Commission shall fix a reasonable time for a hearing of the appeal, give ten (10) calendar days notice to other parties in interest, and post a sign of general notice on the property of appellant.
4. Any party may appear at the hearing in person or by attorney. All testimony from the applicant or other parties of interest shall be taken under oath and limited to reliable, probative, and substantial evidence from experts and non-experts. All testimony shall be subject to cross-examination.
5. The Planning Commission shall render a decision as to whether the ruling of the Design Review Commission shall be upheld or whether the Certificate of Appropriateness shall be granted as requested within ten (10) calendar days following the appeal hearing, unless additional time is necessary because of unusual circumstances.

6. The Planning Commission shall utilize the written findings of the Design Review Commission to review economic, historic, architectural, and aesthetic features of the subject structure, the nature and character of the surrounding area, the use of such structure, and its cultural importance to the City. A majority vote of the Planning Commission shall be required to overturn a decision of the Design Review Commission.
7. Decisions by the Planning Commission shall be deemed final administrative orders for appellate purposes and any aggrieved person may file in the County Court of Common Pleas in accordance with Ohio R.C. Chapter 2506.
8. During the pendency of a timely filed appeal of a decision of the Design Review Commission before the Planning Commission, or during the appeal time prescribed in Ohio R.C. Chapter 2506 for a decision of the Planning Commission, no Certificate of Appropriateness, Zoning Permit, Building Permit, or other permit necessary for the activity applied for shall be issued, or if issued, shall be valid.

#### **G. Remedies and Penalties**

1. Remedies. Whoever constructs, reconstructs, alters, changes, or demolishes any exterior feature of any building or structure in violation of the provisions of this Ordinance, or any Certificate of Appropriateness granted by the Design Review Commission, then, in addition to or in lieu of the action as provided by this Ordinance, the City Council, or its agent, or any other proper authority of the City, or any aggrieved person may institute an action for an injunction, mandamus, or other legal proceeding to prevent such violation, and to abate any illegal condition, or to cause the removal of any illegal changes or alterations by appropriate legal means.
2. Penalties. In addition to the remedies above, persons who violate the provisions of this Ordinance shall be deemed in violation of the City of Rittman Zoning Ordinance and such violation shall be punishable as prescribed by the Zoning Ordinance. Each day of violation shall constitute a separate and distinct violation.
  - (a) If it is found that any of the provision of these standards are being violated, the person(s) responsible for such violation shall cease all work upon notification, and no work shall be performed except to correct the violation(s). All work shall be corrected within a reasonable period and any violations not corrected within the specified time may be prosecuted.
  - (b) Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building within the historic district without a Certificate of Appropriateness shall be deemed guilty of a misdemeanor and fined not less than \$50 nor more than \$5,000. Each day of violation shall be considered a separate offense. Whoever violated this section shall be required to restore and reconstruct such features in full detail.

### **Section Six: DESIGN REVIEW DISTRICT STANDARDS**

- A. Design Standards Applicable to the Design Review District. The primary standard which shall apply to applications for a Certificate of Appropriateness for sites within the Design Review District shall be whether the application under consideration promotes, preserves, and enhances the architectural character of the community. Deliberation may also take into account the following factors:
  1. The historic, cultural, architectural or archeological value and significance of the property.

2. The relationship of any architectural features of a structure to the rest of the structure and the surrounding area.
3. The general compatibility of the design, arrangement, texture and material proposed to be used.
4. Other factors, such as aesthetic value and cost, which the Commission finds relevant.

**B. Locally Significant Resources.** In the event the application involves property containing a designated Locally Significant Resource, the Design Review Commission shall use as evaluative criteria the ten federal standards established by the Department of the Interior in "The Secretary of Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings" by Morton, Hume, Weeks and Jandl (United States, National Park Service, Preservation Assistance Division, 1991, as reprinted in 1997). Such standards are incorporated as a part of this Chapter as if fully rewritten herein. A copy of the complete Standards is available in the Village offices or may be purchased from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

Wherever possible, the historic character of a Locally Significant Resource should be retained, preserved, renovated, and where appropriate, adaptively reused. Specifically:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Most properties change over time; those changes that have acquired Locally Significant Resource status in their own right shall be retained and preserved. The removal of historic materials or exterior alteration of features and spaces that characterize a property shall be avoided.
2. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
3. Deteriorated historic features shall be repaired rather than replaced. If major facade components are badly deteriorating or missing (and replicas are not feasible) great care should be taken to replace them with creative designs that reflect the proportions, scale, detail, design, color, texture, and other visual qualities and, where possible, materials of the original.
4. New additional, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be comparable with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment. New construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
5. Original building facade wall surfaces and detailing should be restored whenever possible.
6. Special attention should be given to the removal of storefront applied surface materials that have original building details preserved beneath, especially those surface materials that extend onto the piers and walls of the upper facade.
7. All exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.

8. Cornice or Fascia. Where removed, a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
  9. Brick. Maintain the colors, textures, and bonding patterns of brick found in existing historic structures.
  10. Color. Utilize color schemes relevant to the historic period represented by the building architecture during remodeling or new construction, limiting strong accent colors for special effects only.
  11. Entrances. On traditional storefront buildings, recessed entrances are encouraged. Maintain established materials and design of entrance door hardware.
  12. Windows. Maintain the design, scale, proportion of window modules and sustain the repetitive rhythm of window patterns along established block facades.
    - (a) Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
    - (b) Preserve the original proportions of window openings during interior alterations.
    - (c) Maintain the original arrangement of glass panes whenever possible or duplicate similar configurations found along the square.
    - (d) Retain or duplicate the original materials of window elements such as sashes, frames, sills, jambs, and lintels.
    - (e) Maintain widths of single and double module windows that reflect the architectural lines of the upper part of the facade.
  13. Awnings. Awnings should be attached directly to the building without requiring a support column on the sidewalk and have a minimum clearance of eight (8) feet and a maximum clearance of twelve (12) feet above the sidewalk. Awning signs shall not exceed twenty-five (25) percent of the vertical area of the sign.
  14. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- C. **Properties Not Designated as Locally Significant Resources.** For property which does not contain a designated Locally Significant Resource, the Design Review Commission shall determine appropriateness by whether the proposed activity will have a negative effect on the historic character and visual integrity of the Design Review District.
1. Building architecture, materials, colors, and height should be designed to complement and coordinate with Locally Significant Resources in the Design Review District.
  2. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the structure.
- D. **New Construction.** The Design Review Commission shall determine appropriateness of a completely new freestanding structure by whether the new construction will have a negative effect on the historic character and visual integrity of the Design Review District. New construction shall be designed to:

1. Maintain the repetitive storefront widths along established block facades to create a unified street wall.
2. On traditional storefront buildings, recessed entrances are encouraged.
3. Building architecture, materials, colors, and height should be designed to complement and coordinate with Locally Significant Resources in the Historic Downtown Design Review District.

#### **E. Demolition Applications**

1. Upon a request for a Certificate of Appropriateness for demolition, the Design Review Commission shall determine whether the structure is or has the potential for designation as a Locally Significant Resource.
  - (a) If not a Locally Significant Resource or a potential Locally Significant Resource, nothing in this chapter shall be construed to prevent the demolition of such structure, whether public or private.
  - (b) If the subject structure is determined to have the potential for designation as a Locally Significant Resource, every effort shall be expended by the Design Review Commission to undertake meaningful discussion with the applicant to find a means of preserving the resource, including a continuance of the hearing for up to ninety (90) days to permit the Commission recommend to Council that the designation of "Locally Significant Resource" be assigned to such building, identify alternative uses for the structure, undertake grant applications, or seek public acquisition or purchase by a third party with a preservation interest in the building.
  - (c) No Certificate of Appropriateness may be issued for demolition of a Locally Significant Resource unless the Design Review Commission finds there is no reasonable economic use or return for the structure as it exists such that deterioration has progressed to the extent that rehabilitation is not economically sound, or there is no feasible and prudent alternative to demolition. To justify that rehabilitation is not economically sound, the record must contain sufficient information so that the Commission may adequately make a factual decision. Evidence which may be found significant in such a determination may include: a two-year gross income statement from the property which itemizes operating and maintenance expenses, depreciation, debt-service, and annual cash flow; a two-year financial pro-forma prepared by a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation; a two-year history of offers substantiated by a real estate broker engaged to advertise to sell or lease the property at a reasonable price or rent; an evaluation of structural suitability for rehabilitation signed by a licensed engineer or architect experienced in rehabilitation; economic incentives and/or funding available to the applicant through federal, state, City, or private programs; the history of real estate taxes over the past two years, the purchase price, and the relationship between the owner of record or applicant and the person from whom the property was purchased; and similar reliable and probative evidence and testimony.
2. Where a Certificate of Appropriateness is approved for demolition, every reasonable effort shall be made to protect and preserve Locally Significant Resources adjacent to or affected by any project.
  - (a) Prior to demolition, the owner shall provide up to a six-month window of opportunity for all historic features to be salvaged from the property.
  - (b) Once the structure has been removed, the lot shall be graded to the level of the sidewalk and sloped to provide proper site drainage to assure that water does not compromise

adjacent building or foundation walls, nor allow surface run-off to flow on any sidewalk or right-of-way.

- (c) Landscaping treatments, such as plants, trees, fencing, walkways, benches, and other elements shall be installed to preserve or create a unified street wall, or park-like space.

F. **Minimum Maintenance Requirements.** Properties in the Design Review District shall be kept in good repair in a safe and sanitary condition and presentable appearance. Such properties shall be provided sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration. No owner of a building or structure in the historic district, or owner of a Locally Significant Resource, shall by wilful action or wilful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's perpetuation and to prevent its destruction by deterioration.

G. **Criteria for Developing Additional Design Standards and Guidelines.** After appointment and subject to Council approval, the Design Review Commission may develop and provide City Council with specific design standards and guidelines for each subdistrict within the established Design Review District.

1. Additional design standards and guidelines developed for subdistricts within the Design Review District shall be based upon the following criteria:

- (a) *Historic Areas.* Design review standards that address historical areas shall conform to "The Secretary of Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings" by Morton, Hume, Weeks and Jandt (United States, National Park Service, Preservation Assistance Division, 1991, as reprinted in 1997).

- (b) *New Construction.* Design review standards and guidelines shall not limit new construction to any one historical period or architectural style, but shall seek to insure compatibility with relevant historical or contextual urban design considerations of a neighborhood, district or corridor.

- (c) *Relation to Underlying Zoning District.* The use, lot area, and bulk regulations in a particular Design Review District shall be in accordance with the applicable underlying zoning district, except as the use, area, and yard regulations may be expressly modified or revised in accordance with this chapter.

- (d) *Relation to the Comprehensive Plan.* Design review standards should address any design standards adopted in the Rittman Comprehensive Plan.

2. Additional design standards shall address preferred methods for modification and reuse of structures and methods to encourage compatible new development within the Design Review District. Such standards shall include sufficient detail and may address:

- (a) Design;
- (b) Building height;
- (c) Building width;
- (d) Roof type;
- (e) Building materials consisting of the type characteristic of the century or period;
- (f) Ornamentation of features such as window and door lintels, quoins, soffits, cornices, fences, railing and the like;
- (g) Walkway paving materials;
- (h) Building setback from the street line;
- (i) Color or colors of the exterior as related to color or colors of surrounding structures;
- (j) Arrangements of the structures on the lot;
- (k) Scale, placement and design of signage;

- (l) Exterior lighting;
- (m) Exterior landscape elements.

# RECORD OF ORDINANCES

Ordinance No. 7988

Passed 20

16

ORDINANCE NO. 7988

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING SECTION 509.081 (a) AND (c), CHILDREN OF COMPULSORY SCHOOL AGE TO BE IN ATTENDANCE AT SCHOOL; PARENTAL DUTY IMPOSED, OF THE CODIFIED ORDINANCES OF THE CITY OF RITTMAN, AND DECLARING AN EMERGENCY.

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

## SECTION ONE.

That the Codified Ordinances of the City of Rittman, Section 509.081, Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed be amended as follows:

- (a) No child between the ages of six (6) and seventeen (17), inclusive, other than a child that has been suspended or expelled from school, shall be at any place within the City except in attendance at school during any school day hours, unless the child has written proof from school authorities excusing him or her from attending school at that particular time, or unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child. This includes, but is not limited to, children between the ages of six (6) and seventeen (17), inclusive, obtaining their required education through an approved Home Schooling Program, Internet Virtual Programs, Digital Academy and the like.

## SECTION TWO.

Section 509.082 (c) of the Codified Ordinances of the City of Rittman is hereby deleted.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7988

Passed

2016

SECTION THREE.

The remaining provisions or sections of the Codified Ordinance 509.081 shall be redesignated appropriately in order to be consecutive.

SECTION FOUR.

That because of the immediate need for such changes, 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.

Passed: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 7989

*Passed*

20 **16**

ORDINANCE NO. 7989

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, PROVIDING FOR THE COMPENSATION OF CERTAIN CITY EMPLOYEES, EFFECTIVE DATE AND DECLARING AN EMERGENCY.

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.

The Municipal employees shall have a pay range, established pursuant to the attached Exhibit "A" effective January 1, 2017.

SECTION TWO.

This Ordinance is hereby declared to be an emergency measure necessary for the reason that these salaries and wages need to be established this calendar year for payroll purposes and shall go into immediate force and effect upon its passage.

Passed: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

**EXHIBIT "A"**

**POLICE DEPARTMENT**

|                                 |                                   |
|---------------------------------|-----------------------------------|
| <b>Part-time Police Officer</b> | <b>\$10.50 - \$18.50 per hour</b> |
| <b>Part-time Dispatcher</b>     | <b>\$10.00 - \$17.50 per hour</b> |
| <b>School Crossing Guards</b>   | <b>\$8.50 - \$10.25 per hour</b>  |

**MISCELLANEOUS CATEGORIES**

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| <b>Part-time clerk/typist</b>  | <b>\$8.50 - \$15.00 per hour</b>              |
| <b>Casual Employee</b>         | <b>\$8.50 - \$14.00 per hour</b>              |
| <b>Computer Technician</b>     | <b>Annually<br/>\$20,000.00 - \$47,840.00</b> |
| <b>Animal Control Officer</b>  | <b>\$8.50 - \$15.00 per hour</b>              |
| <b>Water Safety Instructor</b> | <b>\$8.50 - \$15.00 per hour</b>              |
| <b>Facility Supervisor</b>     | <b>\$9.00 - \$16.00 per hour</b>              |
| <b>Life Guard</b>              | <b>\$8.50- \$12.00 per hour</b>               |

The above positions shall be compensated on an hourly basis with time-and-a-half paid as cash overtime for all time actually worked in excess of forty (40) hours per week in a seven (7) day work period.

Holiday pay shall be paid in accordance with Chapter 171.54 of the Codified Ordinances of the City of Rittman.

"Emergency" call-out pay shall be paid in accordance with 171.195 of the Codified Ordinances of the City of Rittman.

Compensatory time shall be accrued in accordance with chapter 171.197 of the Codified Ordinances of the City of Rittman.

|                       |          |                           |
|-----------------------|----------|---------------------------|
| Municipal Manager     | Annually | \$63,939.00 - \$79,373.00 |
| Manager's Secretary   | Annually | \$24,164.00 - \$32,596.00 |
| Clerk of Council      | Annually | \$ 7,360.00 - \$12,831.00 |
| Police Chief          | Annually | \$49,305.00 - \$68,500.00 |
| Police Lieutenant     | Annually | \$61,846.00 - \$65,000.00 |
| Director of Service   | Annually | \$44,135.00 - \$66,018.00 |
| Director of Utilities | Annually | \$45,866.00 - \$66,018.00 |

|                                           |          |                           |
|-------------------------------------------|----------|---------------------------|
| Utilities Supervisor                      | Annually | \$36,642.00 - \$52,823.00 |
| Park and Recreation Director              | Annually | \$31,669.00 - \$47,731.00 |
| Service Supervisor                        | Annually | \$36,642.00 - \$48,114.00 |
| Finance Director                          | Annually | \$56,485.00 - \$72,722.00 |
| Deputy Treasurer                          | Annually | \$31,525.00 - \$46,500.00 |
| Tax Administrator                         | Annually | \$31,525.00 - \$45,429.00 |
| Utilities Administrator                   | Annually | \$31,525.00 - \$45,429.00 |
| Administrative Assistant to Council Clerk |          | \$11.00 hr. - \$15.50 hr. |
| Law Director (Solicitor)                  | Annually | \$22,933.00 - \$33,495.00 |

The Solicitor's duties shall include those listed in Chapter 145.02 of the Codified Ordinances of the City of Rittman.

|                                       |          |                           |
|---------------------------------------|----------|---------------------------|
| Chief of Emergency<br>Medical Service | Annually | \$40,983.00 - \$55,920.00 |
| Chief of Fire Services                | Annually | \$7,765.00 - \$13,703.00  |

Firefighters shall be paid for training in accordance with Chapter 153.07 (a) of the Codified Ordinances of the City of Rittman at rate of \$9.15 per week.

For call-outs firefighters shall be paid in accordance with Chapter 153.07 (b) of the Codified Ordinances of the City of Rittman at the following rates:

|                                        |                  |
|----------------------------------------|------------------|
| Level 1 (one) certification and above  | \$10.65 per hour |
| Level II (two) certification and above | \$11.67 per hour |
| All other firefighters                 | \$10.15 per hour |

The Fire Chief shall be paid for call-outs in accordance 153.07 (c) of the Codified Ordinances of the City of Rittman. In addition, the following Fire Officers will be paid the following salaries on the first pay day in December:

|                 |                       |
|-----------------|-----------------------|
| Assistant Chief | \$1,553.00-\$2,690.00 |
| Captain         | \$1,523.00-\$2,152.00 |
| Safety Officer  | \$1,624.00            |

Volunteer Quarterly Rates

Emergency Medical Technicians (EMT-B) shall be paid \$10.15 to \$14.21 per hour.\*  
Advanced Emergency Medical Technicians (EMT-I) shall be paid \$11.17 to \$15.23 per hour.\*  
Paramedic Emergency Technicians (EMT-P) shall be paid \$13.20 to \$18.27 per hour.\*

Part-time Bi-weekly Rates

Day Time EMT\*\* shall be paid \$8.12-\$11.17 per hour.\*

Day Time Advanced EMT's\*\* shall be paid \$9.14-\$15.23 per hour.\*

Day Paramedics\*\* shall be paid \$10.15 to \$16.24 per hour.\*

\*All wages are paid the full hourly rate for the first hour or part thereof, and divided by the quarter hour thereafter.

\*\*Shift hours are not to exceed 336 hours per pay period unless schedules are pre-approved by the City Manager

Standby On-Call Rates

Emergency Medical Technicians shall be paid for stand-by on-call duty shifts in accordance with Chapter 153.06 (a) of the Codified Ordinances of the City of Rittman at a rate of \$12.18 per 12 hour shift (or \$1.00 per hour for any portion thereof)

Miscellaneous

The Chief of Rittman Emergency Medical Service shall be paid for runs in accordance with Chapter 153.06 (b) of the Codified Ordinances of the City of Rittman.

In addition, the following Emergency Medical Service Officers will be paid the following salary on the last pay day in December

Assistant Chief

\$1,523.00 - \$2,030.00

Captain

\$1,015.00 - \$1,523.00

Trainees for the position of Emergency Medical Technician shall be paid for runs in accordance with Chapter 153.06 (c) of the Codified Ordinances of the City of Rittman

at a rate of \$1.00 per hour. The incentive compensation for successful completion of training is as follows:

|                                          |                       |
|------------------------------------------|-----------------------|
| Emergency Medical Technician - Ambulance | \$120.00 - \$175.00   |
| Emergency Medical Technician - Advanced  | \$100.00 - \$150.00   |
| Emergency Medical Technician - Paramedic | \$625.00 - \$1,100.00 |

Certain employees shall receive uniform and/or uniform allowances on an annual basis as follows:

Chief of Police - \$1,000.00 (maximum)  
Part-time Police Officers - \$400.00 (maximum)  
Part-time Police Dispatcher - \$300.00 (maximum)

Part time officers and dispatchers will be given uniform allowances on a ratio comparative to the number of hours worked during the year as calculated by the Department Head and City Manager

The initial uniform for any new Police Officer shall be furnished as per list on file in the office of the Municipal Manager. The City shall pay for only those items that are not reissued from existing stocks.

Uniforms shall remain the property of the Municipality and shall be returned to the City upon termination of employment.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7990

Passed

20

RESOLUTION NO. 7990

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES, OHIO DETERMINING THAT CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF RITTMAN IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE MUNICIPAL MANAGER TO SOLICIT BIDS FOR SALE AS REQUIRED BY LAW.**

**WHEREAS,** the Municipal Manager, Fire Chief, Police Chief, Service Director and Utilities Director have determined that the personal property described in Exhibit "A" which is attached and incorporated herein owned by the City of Rittman is no longer needed for municipal purposes.

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

## **SECTION ONE.**

The Council of the City of Rittman determines that the personal property described in Exhibit A owned by the City of Rittman is no longer needed for municipal purposes.

## **SECTION TWO.**

The Municipal Manager is hereby authorized to advertise and solicit bids concerning the sale of said property by the City of Rittman and to convey the same to the successful bidders as may be appropriate pursuant to law.

## **SECTION THREE.**

That in order to start soliciting bids and to dispose of the property this Resolution 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

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7990

Passed, 20

Passed: , 2016

Attest:

Mayor

Clerk of Council



**1995 International 4700 DT40S dump truck runs.  
Minimum Bid \$8000**



**1997 Emglo 5Hp, 220V, single cylinder air compressor runs.  
Minimum Bid \$300**



**Weaver WP20 2Hp, 220V, 4 cylinder air compressor runs.  
Minimum Bid \$300**



**19?? Wssick asphalt roller runs. Minimum Bid \$200**



**Vintage Bubble Tire balancer  
Minimum Bid \$75**



**Hahn snow blower does not run.  
No Minimum Bid**



**19?? Lindsey 125 air compressor no tools or hoses runs poorly.  
Minimum Bid \$200**



**19?? Bomford B457 flail mower works, vibrates badly.  
Minimum Bid \$250**



**Coats 40-40-A Tire changer, missing some air fittings and gauges. Top  
has sustained some damage since this picture.  
Minimum Bid \$250**



**19?? Gallion T-500 Series A grader runs, broken scarifier arm, chip out of blade.**

**Minimum Bid \$3000**



**19?? Case W14C Loader runs.**

**Minimum Bid \$10,000**



**1996 GMC 2500 utility bed runs.  
Minimum Bid \$250**



**1980 Mobil Sweeper Model 2TE4 runs.  
Minimum Bid \$250**



**Stand By Generator trailer mounted, 6 cylinder, motor runs, 3 phase,  
one phase does not work.  
Minimum Bid \$250**



**Side of bed tool box.  
Minimum Bid \$50**



**Plastic wood 4 X 4 playground truck. Needs repaired.  
No Minimum Bid**



**Miscellaneous traffic lights.  
Minimum Bid \$75 each**



**Numerous push mowers, electric pressure washer and tank sprayer.  
Various states of disrepair.  
Minimum Bid \$50 for all**



**Two Presto Lift battery powered hydraulic push fork lifts with onboard  
charger. Need new batteries.  
Minimum Bid \$150 each**



**1980 American LeFrance Fire Truck Runs Coolant problem with pump.  
Minimum Bid \$1500**



**2006 Ford Crown Victoria Police car, 91,329 miles. Rus and drives,  
needs brake work. Minimum Bid \$150**



2007 Ford Crown Victoria Police car, 85,070 miles. Rus and can be moved but not drivable. Needs cooling fan, emergency brake work, rear axle bearing and the proper transmission for this model.  
Minimum Bid \$150

# RECORD OF ORDINANCES

Ordinance No. 7991

Passed 20

ORDINANCE NO. 7991

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 7908, AS AMENDED ACCORDING TO THE ATTACHED SHEET(S) AND DECLARING AN EMERGENCY.

WHEREAS, certain appropriations are necessary for the continued operations of Municipal Services; and

WHEREAS, this Ordinance will provide for the efficient and lawful appropriations to fund Municipal Services; and

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

SECTION ONE.

That the annual appropriation Ordinance is amended pursuant to the attached Exhibit "A":

SECTION TWO.

That a certified copy of this Ordinance be delivered to the Wayne County Auditor.

SECTION THREE.

That because of the immediate need for the appropriation 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.

Passed: , 2016

Mayor

Attest:

Clerk of Council

| FUND                          | 2016<br>Budget<br>Revenues | 2016<br>Budgeted<br>Expenses |
|-------------------------------|----------------------------|------------------------------|
| General Fund                  | 2,546,824                  | 2,674,063                    |
| Emergency Med. Serv.          | 441,105                    | 460,376                      |
| Street Maint. & Repair        | 262,440                    | 291,897                      |
| State Highway                 | 20,830                     | 28,930                       |
| Permissive Tax                | 0                          | 0                            |
| Permissive Tax II             | 58,540                     | 31,500                       |
| Police Pension                | 28,770                     | 27,500                       |
| Law Enforcement & Educ.       | 200                        | 900                          |
| Law Enforcement               | 1,000                      | 0                            |
| Law Enforcement Assist. Grant | 0                          | 0                            |
| Educ. & Recreation Assist.    | 0                          | 0                            |
| Capital Improvements          | 1,006,605                  | 1,146,466                    |
| Fire Dept. Capital Impr.      | 214,236                    | 227,846                      |
| Debt Retirement               | 125,146                    | 127,273                      |
| Water                         | 541,020                    | 616,002                      |
| Water Bond Retirement         | 0                          | 0                            |
| Sewer                         | 1,371,850                  | 1,321,774                    |
| Sewer Surplus                 | 244,585                    | 270,757                      |
| Sewer Revenue Bond Ret.       | 769,900                    | 769,900                      |
| Sewer Revenue Bond Reserve    | 0                          | 76,240                       |
| Solid Waste                   | 382,500                    | 361,061                      |
| Storm Sewer                   | 77,000                     | 17,000                       |
| Cemetery                      | 5,680                      | 11,000                       |
| Recreation Trust              | 3,970                      | 0                            |
| Returnable Bonds              | 2,063                      | 2,663                        |
|                               | <u>\$5,112,266</u>         | <u>\$5,684,168</u>           |

|                           | Personal         | Other          | Total            |
|---------------------------|------------------|----------------|------------------|
| <b>General Fund</b>       |                  |                |                  |
| Safety Service            |                  |                |                  |
| Safety Service            | 1,044,027        | 131,868        | 1,175,895        |
| Public Health & Welfare   |                  |                |                  |
| Police                    |                  | 28,100         | 28,100           |
| St. Lighting              |                  | 7,915          | 68,036           |
| Cemetery                  | 60,121           |                |                  |
| <b>County Health</b>      |                  |                |                  |
| Public Health             |                  |                |                  |
| Public Health             | 2,315            | 21,022         | 21,022           |
| Parks                     | 116,335          | 9,920          | 12,235           |
| Recreation Center         | 209,182          | 21,300         | 137,635          |
| Street Maint. & Repair    | 79,116           | 148,450        | 358,632          |
| Veh. Maint.               |                  | 23,890         | 103,008          |
| City Council              |                  | 2,000          | 2,000            |
| Mayor & Adm.              | 40,065           | 6,000          | 46,065           |
| Finance & Income Tax      | 180,808          | 153,760        | 344,568          |
| Land & Buildings          | 180,345          | 14,000         | 204,345          |
| Soil/Color                |                  | 18,000         | 18,000           |
| General Govt              | 38,002           | 13,000         | 51,002           |
| General Govt              | 10,020           | 25,100         | 35,120           |
| Other Use                 |                  | 68,350         | 68,350           |
| <b>Total General Fund</b> | <b>1,980,358</b> | <b>693,695</b> | <b>2,674,053</b> |

|                                   |                    |                    |                |
|-----------------------------------|--------------------|--------------------|----------------|
| <b>Other Funds</b>                |                    |                    |                |
| 210 EMS                           |                    |                    |                |
| 220 Street Maint. & Repair        | 309,693            | 150,663            | 460,376        |
| 225 State Highway                 | 211,267            | 80,600             | 291,867        |
| 230 Permissive Tax                | 11,930             | 16,000             | 28,930         |
| 235 Permissive Tax II             |                    | 0                  | 0              |
| 240 Police Pension                |                    | 31,500             | 31,500         |
| 251 Law Enforcement & Educ.       | 27,000             | 500                | 27,500         |
| 255 Law Enforcement Assist. Grant | 900                | 0                  | 900            |
| 270 Educ. & Recreation Assist.    |                    | 0                  | 0              |
| 400 Capital Improvements          |                    | 1,146,466          | 1,146,466      |
| 410 Fire Dept. Capital Impr.      | 105,690            | 122,158            | 227,846        |
| 600 Debt Retirement               |                    | 127,273            | 127,273        |
| 600.610 Water                     |                    | 371,204            | 523,037        |
| 600.620 Water Supply              | 151,633            | 50,300             | 145,278        |
| 600.630 Water Dist.               | 94,978             | 35,250             | 147,667        |
| 650.610 Sewer                     | 112,437            | 778,060            | 927,124        |
| 650.640 Sewer Plant Op            | 148,064            | 112,200            | 273,783        |
| 650.650 Sewer Coll. System        | 161,633            | 12,300             | 120,917        |
| 655.610 Sewer Surplus             | 108,617            | 270,757            | 270,757        |
| 657 Sewer Revenue Bond Ret.       |                    | 769,900            | 769,900        |
| 680 Solid Waste                   |                    | 76,240             | 76,240         |
| 681 Storm Sewer                   | 27,191             | 333,900            | 361,091        |
| 700 Cemetery                      |                    | 17,000             | 17,000         |
| 710 Recreation Trust              |                    | 11,000             | 11,000         |
| 801 Returnable Bonds              |                    | 0                  | 0              |
| <b>Total Budget</b>               | <b>\$3,482,511</b> | <b>\$3,211,567</b> | <b>\$2,663</b> |

Total Water Fund (600,610, 600,620, 600,630) 358,248 816,002  
 Total Sewer Fund (650) 419,214 1,321,774

| 2016 APPROPRIATIONS AMENDMENT #14 |                        |          |                                                                                 |
|-----------------------------------|------------------------|----------|---------------------------------------------------------------------------------|
| Fund                              | Department             | Amount   | Description                                                                     |
| 100 General                       | Finance & Tax          | \$4,045  | increase in appropriations for payroll & payroll related expenses               |
| 100 General                       | Mayor & Administration | 890      | increase in appropriations for payroll & payroll related expenses               |
| 100 General                       | Cemetery               | 1,980    | increase in appropriations for payroll & payroll related expenses               |
| 100 General                       | Cemetery               | 200      | increase in appropriations for electric                                         |
| 100 General                       | Rec Center             | 2,000    | increase in appropriations for electric                                         |
| 210 EMS                           | EMS                    | 8,330    | increase in appropriations for payroll & payroll related expenses               |
| 400 Capital Improvements          | Service                | 68,802   | increase in appropriations for Sunset Road Resurfacing (OPWC On-Behalf Payment) |
| 600 Water                         | Water Supply           | 1,280    | increase in appropriations for payroll & payroll related expenses               |
| 650 Sewer                         | Sewer Plant Operations | 8,400    | increase in appropriations to repair transfer pump and screen                   |
| 681 Storm Sewer                   | Service                | \$60,000 | increase in estimated resources for storm sewer receipts                        |
| 400 Capital Improvements          | Service                | 68,802   | increase in estimated resources for OPWC Grant Proceeds                         |