

Ontario City Council met in regular session on January 4, 2007, in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:09 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Bobby Shook, Charlotte Hellinger, Paul Williams, Mark Weidemyre, Debbie Konczak, Dan Zeiter, and Carol Shrader; Mr. Metzger; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Chuck Au; Treasurer Linda Stoodt; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Metzger presented the Ontario Rules of Council for approval. Mr. Weidemyre made a motion to approve the Rules of Council with a second by Mr. Williams. At roll call, seven members voted Aye, zero Nay, and the motion to approve the Rules of Council passed.

The minutes of the regular Council meeting of December 21, 2006 were presented for approval. Mr. Shook made a motion to approve the minutes. Mrs. Konczak seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Mr. Metzger opened the Public Commentary portion of the meeting. First to speak before Council was Jill Knight of 28 Creston Road: Just a couple of comments before Council votes tonight on the rezone. I hope you'll take into consideration and think about a couple of things. There's been hearsay that they could have a possible buyer for these two lots. What's wrong with the Honey Puff Café? It's for sale, it's vacant, it's ready to go. As I drive through our City, I see a lot of vacant buildings, office space and retail. In the last three months we've lost quite a few businesses: Pizzelles, Hot Shots Pizza and Billiards, there's a little plaza over by Briggs that has a new cabinetry store but there are still vacant spaces there, the Wal-Mart Plaza, Kohl's Plaza, Sofa Express is going out, Friday's left, we have a vacant K-Mart building, and we're still building little shopping plazas and strip malls. I feel we should utilize the space that we have instead of keep rezoning. Nothing against the church on Park Avenue, Grace Brethren, it has been unfinished for years, is it ever going to be finished? I'm just glad that I don't have to live across the street from that in a residential area and have to look at that. I feel that is an eyesore and I hope that does not happen to our residential area. I just hope Council thinks about some of those things. Thank you.

Next to address Council was Barry Lewis of 2070 Princeton to say: I want to echo what Mrs. Knight said. We've got a residential neighborhood that's R-1. The only people who are going to benefit from a rezone are the two property owners, everyone else will be a loser, including the City of Ontario, and especially the neighborhood that butts into that property, including mine. Those are all single family homes that go back into that and it's going to do nothing but tear the neighborhood into pieces. Thank you.

Scott Hamilton of 63 S. Lex-Springmill Road spoke before Council: There's been a lot of controversy over this – two main speakers. I guess perception can be very dangerous because it is often based off of notion and not fact. Since we've asked to rezone our home we've had two people speak adamantly against it and one person has some concerns but also a solution with a privacy fence. One of the gentlemen mentioned that I was the first person to place a complaint about our current situation but yet I denied a privacy fence to split the lots. We share a driveway, we have a common entrance. There is no way a privacy fence can run from one side of the land to the other; it would look more like an eyesore than anything. It would look like a billboard because it can only be placed in the backyard. That's why I asked to not have the privacy fence installed. Mrs. Knight also accused me basically of cashing in at the last meeting, rezoning for the sole purpose of making money. This isn't the case at all. When we purchased the home we had a neighbor, his name was Brian Rogers, we never had any problems when he lived there. I don't know why, when it was first established, the common driveway entrance was zoned to where business and residential split right down the middle of a common driveway, but it was, and here we are today. I'm asking for this rezone out of necessity, not to cash in, not to fatten my

wallet. There are a lot of businesses going in and out and I haven't seen a doctor's office, a lawyer's office, a chiropractor's office, or a psychologist's office that has folded up and left. It's a small house and it would offer a small office. No chiropractor is going to buy K-Mart or T.G.I. Fridays. I just really appreciate everyone's time on this. Thank you.

Kevin Ackley of 69 S. Lex-Springmill Road was next to stand before Council and stated: I was told tonight that I have a buyer for my property, that was definitely news to me since my property is not for sale. We looked at possibly providing a travel agency from inside the home but can't do that without it being Office Services. In twenty-three years of being either a federal, county or state employee, this is the first forum I've ever been involved in where questions were not asked of me being a plaintiff, or summoner, or whatever you want to call it. This is kind of weird for me. I'm not sure if I can ask questions to the board. (Mr. Metzger permitted him to ask questions.) Really, just one question for Mrs. Thomas, if she remembers back during the zoning commission meeting making the statement about having buffer zones between business and residential areas? Mrs. Thomas replied she has made statements to that effect several times, there should be buffer zones. Mr. Ackley continued: going back and studying some of the codes that Ontario operates under, can the zoning commission submit to Council to do the whole stretch of road up to Princeton so we can approach them again? Mrs. Thomas added, Planning Commission is the first place you would go. Planning Commission on its own motion can ask Council to do rezoning or they can do it upon application. They can only make a recommendation to Council.

Hearing no one else who wished to speak, Mr. Metzger closed the Public Commentary portion of the meeting.

COMMITTEE REPORTS

Mr. Williams scheduled an Economic Development meeting for January 17, 2007, at 4:00 p.m.

Mr. Weidemyre announced the City's investments with United American Capital Corporation will be discussed on January 17, 2007 at 3:30 p.m. Mr. Weidemyre then extended the question if anything can be done about the appearance of the church on Park Avenue. Mayor Bender responded it is private property and he wasn't aware of anything they can do unless there is an unsafe condition. They did comply to the City's requests by boarding up the windows and entrances and securing the roof. This construction began prior to the eighteen-month completion requirement which can be extended by reapplying. Mr. Weidemyre then asked Mrs. Thomas if there were any nuisance or hazardous laws that would apply. Mrs. Thomas responded by saying the Zoning Inspector has done a good job watching this site and the church has complied with everything they've been asked to do.

Mr. Zeiter shared information from the Economic Development meeting held earlier this evening.

- The purpose of this meeting was for Rob Reidenour to explain an Urban Setting Designation and how this would be beneficial to the City. The passage of a resolution is requested verifying the USD for the Beer Road property.
- The Menards development was also discussed during this meeting and some possible solutions for traffic flow.
- The Law Director presented information on the definition of a TIF, which more information will follow.

Mr. Zeiter then made a motion to untable Resolution No. 06-17. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay and the motion to untable Resolution No. 06-17 passed.

RESOLUTION NO. 06-17

A RESOLUTION CONSENTING TO THE UNIVERSAL TUBULAR SYSTEMS, INC.
URBAN SETTING DESIGNATION REQUEST.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Resolution No. 06-17 on three separate days. Mrs. Hellinger seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mr. Zeiter read Resolution No. 06-17, by title only.

Mr. Zeiter made a motion to adopt Resolution No. 06-17. Mr. Shook seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 06-17 was adopted. Mr. Metzger asked Mayor Bender or Mr. Au to notify Mr. Reidenour that he may proceed.

Mr. Zeiter scheduled a Streets Committee meeting immediately following the Economic Development meeting on January 17, 2007 to discuss the impact fees.

Mr. Shook, Mrs. Hellinger, Mrs. Konczak, and Mrs. Shrader had no report.

MAYOR'S REPORT

Mayor Bender distributed a copy of his annual State of the City Report to each Council member. Mayor Bender stated:

It is my pleasure to present this "State of the City" report to the Ontario City Council for the year 2007. The year 2006 has been a very interesting year. There were several important Ordinances implemented in the year 2006:

- * 1st Phase of City Wide Fair Share Road Impact Fee which includes areas 3500' East and West of Lex.-Springmill Road.
- 2nd Phase of City Wide Fair Share Road Impact Fee incorporating all the remaining area within City limits is currently ready for Council's approval.

The City Wide Fair Road Impact Program will allow for the fair collection of revenue for the needed road improvements as the various areas throughout the City develop.

- * Required licensing of all contractors and sub-contractors performing construction services within the City of Ontario.

The licensing requirements for contractors and sub-contractors provides an improved means of collecting our 1 % City income tax from non-resident individuals who have earned income while working in the City of Ontario.

- * Enhanced enforcement of Unfit Dwelling Units.

The enhanced enforcement codes for unsafe and unfit dwelling units will provide an improved means by which the City may address dwellings in poor and unfit condition. The City will be working with several Richland County agencies and with the Springfield Township Fire Department as we address the issue of unfit dwellings.

- * Established position of Magistrate for Mayor's Court.

The position of a Magistrate of Mayor's Court allows for the expansion of the Court's case load and adds more control of many of cases within our Court system. Some programs that were implemented during the year of 2006 were:

- * Addition of an Alternative Sentencing Program to Mayor's Court.
- * Re-organized the City Public Records Board.
- * Re-organized the City Income Tax Board of Review.

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- * Initiated a process to bring the Ontario Police Department up to a full compliment of Police Officers and Police Department Dispatchers.
- * Cleaned and re-organized the storage area at the City Service Building.

The City also was able to complete several projects that have been in process for several years. The completion of these projects will allow the City to move on to other planned projects. The completed projects were:

- * Completion of the O.S.U. Bike Trail Project.
- * Design and completion of the Lindaire Lane Sewer Project.

This project was an important first step toward meeting the City's goal of reducing ground water infiltration into our sanitary sewer system.

- * Program to organize traffic lights on Lex.-Springmill Road.

The street traffic lights for the Lex.-Springmill Corridor are now controlled by a closed loop master control. This allows the 14 traffic lights in this corridor to be synchronized one to another and allow for better traffic flow. The City has received numerous comments about how well the traffic flowed during the recent holiday shopping season. The intersections at eight different locations in the City were rewired and other new equipment was installed during the year of 2006. There are 21 street intersection lights within the City and of the 21 sites there have been 9 traffic lights equipped with battery back-up systems. This will provide safety and continued efficiency at these intersections. There has been new L.E.D. lighting installed at all but 2 of the City's traffic light intersections. The new lighting is very energy efficient and has a much longer life expectancy. This will prove to be cost effective in energy costs and in labor costs, and will be safer for the motoring public.

Several other projects started and completed in the year 2006 were:

- * Purchase of playground equipment for the Spring Village City Park and the equipment was installed by City Personnel.

Re-construction by City Personnel of storm water drains and culvert at Spring Village City Park.

- * Grading and installation of base for parking lot at Spring Village City Park. The work was performed by City Personnel.
- * Design and installation of secure caged areas for the storage of Public Records, Recreational Department equipment, and the Police Department's evidence. The labor for this project was provided by City Personnel.
- * The evaluation and planning of the Rock Road Sanitary Sewer Project to eliminate over-flow problems at the Rock Road lift station and to meet mandated Ohio E.P.A. requirements.
- * The application and the receiving of a \$500,000 loan at 0% interest from the State of Ohio for the Rock Road Sanitary Sewer Project.

The Administration was able to present to City Council a proposed City budget for the year 2007 which is below the budget for the year 2006. This was accomplished while increasing wages and benefits and also setting aside an additional one million dollars for future required City improvements. The Administration re-evaluated the City's Comprehensive Public Liability and Property Damage Insurance resulting in savings on the City's insurance premiums. The City also was able to provide better health insurance coverage for City employees at a significant cost reduction over 2006 premiums. However, Council's tabling of the ordinance to bid and award this Health Insurance contract has required the City to retain the 2006 carrier's coverage for the month of January, 2007. This will cost the City approximately \$10,000 additional above our new coverage rate.

The Administration, through the lead of the City Auditor, was able to re-evaluate and revise the Worker's Compensation Plan for the City which should save money in future years. The Auditor's

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office has also been able to make several other cost saving decisions which are very beneficial to City finances.

The City Treasurer was able to significantly increase income on the City's investments. The City Income Tax Department has made improvements in the collection of City income tax revenues and is aggressively working to collect all revenues due the City of Ontario.

The City Engineer has been extremely busy throughout the year of 2006. The completion of the previously mentioned projects along with the projects proposed for the year 2007 and the inspection of plans for all proposed developments for the Ontario Planning Commission have been very tedious and time consuming. There is a need to expand this department.

The City Service Departments have been dedicated to all the tasks that appeared before them in 2006. The Street, Water Distribution, Water Treatment, and Sewer Departments have worked together on many projects to provide our Residents with top quality services. Some of the projects they performed for the City were Snow Removal, Spring Limb Pick-up, Street Clean-up and Repair, Animal Carcass Removal from roadways, Water Line Repairs, Sewer Line Repairs, Trenching of Waterways, and Fall Leave Pickup. The Administration is truly thankful to all of our Service Department employees for their dedication to duty.

We can all agree that our City Parks are second to none in usefulness and appearance. The constant use of our Baseball and Softball fields, our Soccer fields, Tennis courts, and Playground equipment speak for themselves. The groundskeeper for our City Parks has kept these facilities immaculate.

The City Cemetery Superintendent has kept our City cemeteries both neat and in good repair. The quality of his work is apparent to all.

The City Building Maintenance Department has kept our City buildings clean, neat, and operating smoothly. Wherever a need arose this year, it was taken care of promptly and efficiently. The appearance of our buildings will often give an impression of our whole City to our many visitors.

The Police Department has been in a positive transition and adjustment period since the retirement of our former Police Chief. The new Police Chief and staff are moving ahead with new plans and ideas that will be people and community orientated while still providing service and protection to our community. The Police Department should be at full staff by mid-January 2007.

I would like to thank the members of the City Planning Commission, Civil Service Commission, Income Tax Review Board, Public Records Board, Board of Health, Recreation Board, Shade Tree Commission, and to the Zoning Inspector and the Recreation Director for the service they give to the City of Ontario.

The City of Ontario has a bright and exciting future. The renovating of our current infrastructure will prepare the City for future expansion and the planned development of our City will keep it a great place to live and work. The good blend of manufacturing, educational and health services, retail business, and warehousing should keep our economy stable in the future.

On behalf of the City Administration I would like to say thank you to every resident of this City who has helped to make the year 2006 another great year for the City of Ontario. With the support and help from so many, and the co-operation between the City Administration and the City Council, we will have another successful year in 2007.

God Bless All and Thank You.

Mr. Shook then asked the Mayor how much money the City has saved in salt and overtime so far this winter with the unseasonably warm weather. Mayor Bender did not have any figures available and said December's weather is always unpredictable but the colder months are ahead.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au announced Christmas trees will be picked up until January 19th.

LAW DIRECTOR'S REPORT

Mrs. Thomas reported there is now a Magistrate holding court weekly which allows the DUI's and the OVI's to be heard in Mayor's Court rather than transferring them to Mansfield.

In January 2006 there were 254 pending cases at Mansfield Municipal Court, at the end of 2006 there are 262. The total charges in 2006 at Mansfield Municipal Court were 843 committed by 494 people. The total offenses in 2006 in Mayor's Court was 2,862 with 2,541 tickets. In 2000 the DUI's and OVI's totaled 41, in 2006 that increased to 199. Thefts in 2000 were 460, this year the total was 665. This significant increase adds to the amount of work for her office.

The current tax code has provisions for criminal prosecution of people or business that do not file their taxes to the City. She is working with the Treasurer to become more proactive on enforcement of this law which will also add to the Mayor's Court case load.

TREASURER'S REPORT

Mrs. Stoodt offered to answer any questions on the yearly and quarterly report or investment information previously distributed to Council members.

Mrs. Stoodt began her report by stating the total revenue for 2006 amounted to \$8,511,462.92 representing a 4% gain over 2005. Real estate taxes rose 30%, court fines 53%, tap fees 83%, and park and community rentals were up 24%. The occupancy tax collected \$113,985.72 for a 39% increase, the water revenue decreased 2% while the sewer revenue was down 1%. Income tax total revenue for 2006, which is for the 2005 returns, resulted in \$4,297,949.97 for a 2% drop that could be the effect of General Motors cutting back and places going out of business.

The State Department of Taxation will provide a list of all taxpayers living in a designated zip code area. This list, once entered into the City's new computer system, will cross-reference the files and create a list of residents currently not in the system. Previously, water applications were used to locate people moving into the area but with the influx of condominium associations paying water fees and utilities included in rental fees it was difficult to follow up.

After 750 non-filed delinquent letters were mailed the City noticed an additional income of \$2,599. When non-pay letters, back to 2003, were distributed there was another increase of income totaling \$2,963. There are still several hundred non-filers which initiated thirty-five subpoenas that will be issued for a potential collection of \$4,981.

Interest is up 49% and this is interest currently invested in local CDs and money market accounts. Anyone who is interested may request a complete listing of accounts.

In July 2006 the City became aware of owning stock in Federated Department Stores and this is not permissible according to the Ohio Revised Code. Working with the Bank of New York to dispose of the stock was a very long and tedious process. The stockholders of Federated stock declared a dividend for anyone of record as of December 15, 2006. By waiting until after this date to send in the redemption notice the City received an additional \$32 dividend check. The City acquired this stock as the result of nonpayment on the water bill when Federated Stores declared bankruptcy in 1992. Dividend checks for \$32.11 were not received for eleven years. If the stock sells on January 2, 2007, minus the processing fee of \$40.40, the City will receive \$9,530.23. The outstanding water bill is \$7,314 which will be paid to the Water/Sewer Department leaving \$2,215.54 to deposit into the General Fund.

MISCELLANEOUS MATTERS

Mr. Zeiter announced a notice of a public hearing will be held before the Council of the City of Ontario, Ohio at 7:00 p.m. on Thursday, February 15, 2007 at the Charles K. Hellinger Ontario Municipal Building, 555 North Stumbo Road, Ontario, Ohio, upon a proposal to amend the City Zoning Districts on Sections 1137.02 (b)(4), 1137.03 (b)(4), 1137.03(b)(5), 1137.04(b)(3),

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1137.05(b)(1), 1137.06(b)(10), 1137.06(f)(3), 1137.07(b)(17), and 1137.07(c)(3). The City Planning Commission has recommended in favor of this amendment and all persons interested in these issues are invited to attend and express their views.

The items of legislation on Council's Agenda were then considered.

ORDINANCE NO. 06-44

REZONING PROPERTY ON THE EAST SIDE OF SOUTH LEXINGTON-SPRINGMILL ROAD FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO OS OFFICE SERVICE DISTRICT.

Mr. Williams read Ordinance No. 06-44 for the third time, by title only.

Mr. Shook made a motion to adopt Ordinance No. 06-44. Mr. Williams seconded the motion. Mr. Weidemyre commended Mr. Ackley on the letter he wrote to Council, it was very precise and stated some very good points. Three members cast their votes Aye, four Nay votes by Mrs. Hellinger, Mrs. Konczak, Mr. Zeiter and Mrs. Shrader and Ordinance No. 06-44 failed.

ORDINANCE NO. 06-47

AMENDING ORDINANCE 05-04 CONCERNING THE COMPENSATION OF THE AUDITOR AND TREASURER FOR 2007.

Mrs. Hellinger made a motion to return Ordinance No. 06-47 to the Personnel Committee. Mr. Weidemyre seconded the motion. At roll call, four members voted Aye, three Nay votes by Mr. Shook, Mr. Williams, and Mr. Zeiter and the motion to return Ordinance No. 06-47 to the Personnel Committee passed.

Mrs. Konczak scheduled a Personnel Committee meeting for January 10, at 4:00 p.m.

ORDINANCE NO. 07-01

AMENDING SECTION 1159.01(C) OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Shook made a motion to suspend the rules requiring the reading of Ordinance No. 07-01 on three separate days. Mrs. Konczak seconded the motion. At roll, call seven members voted Aye, zero Nay and the motion to suspend the rules passed. Mr. Shook read Ordinance No. 07-01 for the first time, by title only.

Mr. Shook made a motion to adopt Ordinance No. 07-01. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-01 was adopted.

ORDINANCE NO. 07-02

AN ORDINANCE PROVIDING FOR SUBMITTING QUESTION "SHALL THE ORDINANCE PROVIDING FOR A QUARTER PERCENT LEVY ON INCOME FOR PARKS IMPROVEMENTS AND MAINTENANCE BE PASSED?"

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 07-02 on three separate days. Mrs. Konczak seconded the motion. At roll, call seven members voted Aye, zero Nay and the motion to suspend the rules passed. Mrs. Shrader read Ordinance No. 07-02 for the first time, by title only.

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Mrs. Shrader made a motion to adopt Ordinance No. 07-02. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-02 was adopted.

ORDINANCE NO. 07-03

ACCEPTING THE PLAT AND IMPROVEMENTS TO SPRING VILLAGE SUBDIVISION, BLOCK I, TO THE CITY OF ONTARIO.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 07-03 on three separate days. Mr. Shook seconded the motion. At roll, call seven members voted Aye, zero Nay and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 07-03 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 07-03. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-03 was adopted.

At 7:55 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Shook, and a second by Mr. Williams. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council