

Regular

June 14

2007

Ontario City Council met in regular session on June 14, 2007 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Bobby Shook, 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; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Shook made a motion to excuse Mrs. Hellinger from this evening's meeting. Mrs. Konczak seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of June 7, 2007 were presented for approval. Mr. Weidemyre made a motion to approve the minutes. Mr. Shook seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Coming before Council was Vern Barnhill of 1701 Spring Village Lane to say: There are several issues. The one I would like to speak to first is the bond issue that is proposed for improving Lexington-Springmill Road and Walker Lake Road. My understanding of this is if the bond issue is approved Walker Lake Road will be improved to at least a three-lane road to the City limits at North Home Road, and North Home Road will be extended to Spring Village Lane. I think these things are both beneficial to our community over there because we would have another outlet going east into Mansfield instead of coming out on the curve on Walker Lake Road. The traffic on Walker Lake Road has increased significantly; it's bound to increase much more whether the lumber store goes in or not. It's going to be a fact of life out there and already people are having trouble sometimes making a left turn into Spring Village Drive. What happens is, they have to wait for the oncoming traffic so four or five cars often stack-up behind the car wanting to make the left turn. It's beginning to be a rather dangerous situation right there. I think at least at that point we definitely need a left-turn lane to avoid possible future accidents there. I also understand that the money that will be spent for the bond will come back to Ontario in other revenues that will be approximately twice the expenditure that Ontario had for the bond. I just want to say that I'm in favor of that, hopefully these other items that I mentioned would be included in that project. Another issue is the zero lot line idea, the public streets idea, and the condominium projects. What happens is, when you approve a condominium project you have, in effect, a zero lot line situation, the only difference is there is an association that mows the lawns and maintains the exterior of the homes. Whereas, if you have a zero lot line development, each individual owner does their own, but, physically on the ground it's the same as a zero lot line situation. So, I want to speak in favor of being permitted to have the zoning changed so that we can have the zero lot line double house equivalent to the lot size that you have in the condominium situation. The condo projects that have private streets I think are going to be a problem in the future and I just want to say that I'm in favor of condo projects being required to have public streets instead of private streets. I think over a twenty year period you're going to find that inner streets may deteriorate if they're not public streets. Thank you very much.

Mayor Bender clarified, the east side of the Walker Lake Road intersection will have six lanes tapering to three lanes at the Menards entrance, then approximately 500' from Spring Village Drive narrow to the two existing lanes.

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

COMMITTEE REPORTS

Mr. Shook, Mr. Williams, Mr. Weidemyre, Mrs. Konczak Mr. Zeiter and Mrs. Shrader had no report this evening.

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MAYOR'S REPORT

Mayor Bender reported on the items discussed at the last Planning Commission meeting.

- A preliminary site plan was reviewed for a development on N. Lex-Springmill Road north of Skyline Chili.
 - Along with the preliminary site plan two variances were requested and approved. The first variance allows for two parcels not to have the required street frontage and the second variance, for safety concerns, permits a 3-foot encroachment toward the north creating a narrower greenbelt but aligns the entrance with the Meijer drive across the street.
- Mrs. Mildred Mandley of 3418 Park Avenue West requested an extension on her zoning permit to construct a 10' x 20' carport. A six-month extension was granted.
- Private streets were discussed at great length and the Zoning Inspector suggested several changes to the existing code. The Commission approved the changes that private streets must meet the same requirements as minor streets and this recommendation will go before Council for consideration.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas provided information on the TIF (Tax Increment Financing) that is on this evening's agenda.

- TIF's are being done all over the state as well as neighboring states.
- The cost of the infrastructure improvements will be over \$1 million, the bond issue is \$2.1 million.
- There is never any risk to the City. A letter of credit provided by Menards and Furniture Row will cover the bond issue improvements should they not build or open their businesses.
- The current taxes being generated will not change, only the new taxes from the increased property value will go into the TIF.
- The TIF is expected to generate \$6,449,232 over twenty-five years. The bonds are repaid in twenty years. The net cash flow for the City at the end of the twenty-five years will be over \$3 million.
- This is new money for the City to use for additional infrastructure projects.
- This is additional money for the schools and does not interfere with their state funds.
- The current property tax to the City is 4.21%. The Menards/Furniture Row project revenue will pay \$269,912 every year and if the City continues to receive the 4.21% property tax the total for twenty-five years would be \$271,000. With the TIF, the cash balance at the end of four years will be \$290,000.

Mr. Weidemyre referenced a previous committee discussion of going out thirty years on the TIF. Mrs. Thomas responded the reason they didn't go forward with the thirty years was because the school already passed an ordinance stipulating the twenty-five years. The county will continue to receive their current amount plus sales tax.

Consideration of Ordinances and Resolutions:

ORDINANCE NO. 07-24

ORDINANCE NO. 07-24 – (SECOND READING) AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE

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MADE DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND PROVIDING FOR THE PAYMENT OF A PORTION OF THOSE SERVICE PAYMENTS TO THE ONTARIO LOCAL SCHOOL DISTRICT; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS, A COMPENSATION AGREEMENT, AND AN INFRASTRUCTURE AGREEMENT; AND DECLARING AN EMERGENCY.

Mrs. Konczak read Ordinance No. 07-24 for the second time, by title only.

ORDINANCE NO. 07-26

AN ORDINANCE AMENDING ORDINANCE 07-12 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2007 BY MAKING AN ADDITIONAL APPROPRIATION FOR THE GENERAL FUND.

Mr. Shook made a motion to suspend the rules requiring the reading of Ordinance No. 07-26 on three separate days. Mr. Williams seconded the motion. At roll call, five members voted Aye, one Nay by Mrs. Konczak, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 07-26 for the first time, by title only.

At 7:22 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Williams, and a second by Mr. Shook. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council