

## Regular

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Ontario City Council met in regular session on January 3, 2008 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:12 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Dan Zeiter, Mark Weidemyre, Leon Blackwell, Barry Lewis, Paul Williams, and Joe Cinadr; 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. Weidemyre made a motion to excuse Mrs. Hellinger from this evening's meeting. Mr. Williams seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

Mr. Metzger presented the Rules of the City of Ontario Council for approval. Mr. Williams made a motion to approve the Rules, seconded by Mr. Blackwell. At roll call, five members voted Aye, one Nay by Mr. Lewis, and the motion passed.

Mr. Zeiter nominated Mr. Weidemyre for Council President Pro Tempore for 2008 and 2009. Mr. Lewis seconded the nomination. Hearing no other nominations, at roll call, five members voted Aye, zero Nay, one Abstain by Mr. Weidemyre, and the nomination carried.

Mr. Williams made a motion to reappoint Clerk of Council Cathy VanAuker. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of December 20, 2007 were presented for approval. Mr. Zeiter made a motion to approve the minutes. Mr. Weidemyre seconded the motion. At roll call, three members voted Aye, zero Nay, three Abstain by Mr. Blackwell, Mr. Lewis and Mr. Cinadr and the motion to approve the minutes passed.

## **PUBLIC COMMENTARY**

Ron Speck of Speck Builders and Snow Removal came before Council to say: I came up here to save you some time with the Contractor's Yard property. It's been under contract with me as of last week. We're going to buy it and put a roller skating rink in there, a proposed roller skating rink. So, the rezoning that you have up for tonight isn't necessary because we have the property under contract, a binding contract, and it will be purchased within the next thirty days. It's not necessary to change it if the other homeowners around don't have a need for it. It's not necessary on our part because we're going to turn half of the building into a roller skating rink, a potential outside ice skating rink in the winter, and a potential 2009 pizza shop drive-thru in the right front corner. I just want to do something for the kids; it's not a huge profit deal as far as the business goes but it will give the kids something to do and it will be a plus for Ontario.

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

## **COMMITTEE REPORTS**

Mr. Blackwell scheduled a Personnel Committee meeting for Thursday, January 10, 2008 at 6:00 p.m.

Mr. Zeiter, Mr. Weidemyre, Mr. Lewis, Mr. Williams and Mr. Cinadr had no report this evening.

## **MAYOR'S REPORT**

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Mayor Bender stated City workers will pick up Christmas trees through January 18<sup>th</sup>. Residents who are interested in having their Christmas trees picked up should take their trees to the curb.

Mayor Bender presented his State of the City Report:

I would like to begin the State of the City Report by first thanking Council President Metzger, Members of Council, other Elected Officials, and the fine members of our City's Staff for all the quality work that was performed for the citizens of the City of Ontario in the year of 2007.

Government is an investment by taxpayers and because people pay for government I want them to know that they are getting their money's worth. I feel a real burden of accountability pertaining to every aspect of our City's operations.

Most Ohio cities have been losing population and jobs over the past thirty-five years while facing a changing economy with less income. The City of Ontario has however, steadily grown in both jobs and in population during that same time period. We now are beginning to feel some of the trend of decline that other cities experienced earlier. Cities may not be able to go back to where they once were, but cities with a vision for progress realize that the first steps on the path to change is accepting the fact that the ideal future will not look like the past. Cities must embrace change if they are to continue to prosper and grow. When challenges arise we must face them head on and work out the solutions. Each City department will play a part in obtaining these solutions. This Administration and City Council has dedicated their selves to meeting this goal.

Ontario is a unique community. This year we will be celebrating our 50<sup>th</sup> year since incorporation and our 174<sup>th</sup> year since we were organized. Our City has been able to offer a wide range of services and programs which contribute to the high quality of life of which our residents now enjoy.

Inconsistencies with the economy make it imperative that the City continues to be responsible and prudent with the tax dollars it receives. Our local General Motors factory continues to be an unknown financial factor in our local tax base. Income tax revenue that we have counted on in the past is now significantly smaller. This impacts the City's bottom line concerning our revenues and it also impacts the families of our community.

As Mayor, several of my major responsibilities are to maintain and improve our residents' safety, to stabilize our finances, to improve our City's operations, to promote and obtain development, to work with regional entities that promote our regional community and to work with our local school district to provide educational excellence for our young people. I want you to know that I take these responsibilities seriously.

The Ontario Police Department has much to be proud of and we are proud of them.

A strong and vibrant police department is needed to protect the City's residents and businesses. The Ontario Police Department, under the direction of Chief Rodney Smith, serves and protects our City with commitment, concern and professionalism. We have the finest police force in Ohio patrolling our neighborhoods, working in and with the Ontario school system and participating in county and district operations.

Our City Council has enabled our police department to fill vacancies as needed and to maintain a fully staffed department. Council has also allowed for a Substance Abuse Program Coordinator, a DARE Officer and a Resource Officer to be in our schools. We also purchased 3 new vehicles for the department this past year along with necessary equipment. Some of our equipment purchases were made by utilizing grants, donations, drug money seizures and property seizures, thus not using tax dollars.

The Administration has recently negotiated a tentative proposal with the F.O.P. for a three year labor contract which is now ready to be presented to City Council.

The Ontario Police Department organized six neighborhoods into Ontario's first Neighborhood Watch Program. With Chief Smith's oversight and Program Director Lt. Randy Hutchinson's direction,

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the initial meetings were a great success. Safe neighborhoods are attractive to both our younger and older residents and are the backbone of our City. Our police department is community oriented and is an intricate part of our community's fabric. We want our police officers to be readily accessible to our residents and especially to our children. Hopefully, you will see our officers on occasion interacting with our young people. I have observed at community events how our children and our officers respond to each other. There is already a good relationship, but as our residents have more positive interaction with our officers surely good things will follow.

Safety of our City also includes fire protection and prevention. The City of Ontario continues to work closely with the Springfield Township Fire Department and Fire Chief Ron Henry concerning the needs of our community's fire protection and EMS services. The new Fire Department location on the north side of the City will give our department the potential for quicker response times on calls around that busy area. There is also the potential for expansion at this location. We are excited that Chief Henry and his staff are also participating in our new Neighborhood Watch Program.

The City has aggressively pursued enforcement of our unfit dwelling codes. In the past year, ten properties were identified and seven dwellings were demolished. The properties were inspected by the Richland County Health Department and by the Richland County Building Codes Department. City Service/Safety Director Chuck Au and Zoning Inspector Dallas Strickler were very instrumental in overseeing the enforcement process. The City also continues to pursue other nuisance properties.

The City received approval from ODOT District 3 for a Safety Funding application to be used for an engineering study of the Lex-Springmill Corridor. This will be a detailed study of the accidents that occur on this corridor and will make suggestions for safer traffic flow. The amount for this study is \$56,000 and 90% of the total will be funded by the State of Ohio.

Public safety is a priority with me. I want our City to be the safest possible place to live for all our citizens, but also for all who work and visit Ontario.

The City's annual revenues are primarily funded thru our city income tax. The City's income tax collection for 2007 was down 12% from 2006. For the past 5 years our revenues have remained consistently level, but in the year 2007 our revenues dropped significantly. I never lose sight of the fact that the City's income is comprised of your tax dollars. We have an obligation to each of you, as your government, to spend your tax dollars prudently and wisely.

Many of the current City projects and future projects are expensive. We must continually upgrade our infrastructure, provide services to our residents and maintain the safety of our community. The year of 2007 showed higher expenditures than revenues received which relates directly to a 24% decrease of income tax from our largest employer General Motors. The expenses for phase 1 of the Rock Road Lift Station I/I Project and the costs of all petroleum products have increased our expenditures. We are all painfully aware of spiraling energy costs. The cost of asphalt to pave our streets has risen from \$ 74.50 a cubic yard in 2005 to \$ 119.35 a cubic yard in 2007. This represents a 60% increase! The Administration and City Council will continue to work at getting the biggest bang for YOUR BUCK!

The proposed budget for 2008 is 2.8% lower than last year's budget. A significant portion of the proposed 2008 budget is the setting aside of a sum of \$1,000,000 for the City's future portion of the repaving of State Route 309 from our east city limit to Park Avenue West Road and the repaving of Park Avenue West Road from our east city limit to State Route 309. This will be a joint project with the State of Ohio and Ontario and is scheduled for the year 2010 or later.

The City explored the use of Tax Increment Financing several years ago; in 2007 we secured our first TIF agreement for the development along Walker Lake Road, east of Lex-Springmill

Road. This finance mechanism will have a material influence on the City's ability to develop and construct several infrastructure projects. When a business is deciding where to locate, it will immediately look for quality infrastructure that is in place. The city is continually looking to improve our infrastructure because economic development is synonymous with quality of life.

The City paving program included Lindaire Lane, Dunlap Drive in Marshal Park, Willowood/Rosewood area Curb/Gutter and Paving Program (Phase I), Rudy Road,

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a shared resurfacing cost with Richland County for parts of Walker Lake Road, as well as miscellaneous repairs on Park Avenue West, State Route 309 and various residential streets.

The City's Service Departments, under the direction of Paul Gleisinger, had another busy year in 2007. The Street Department was quite busy with our ongoing task of improving our City's traffic flow. We were able to install new school zone flasher equipment, a new traffic loop was installed at the Springfield Square entrance, installed new electric meter bases on all LED intersections and installed radios on three additional intersections to improve flow along Lex-Springmill Corridor. The City also purchased a Pocket PC to assist with maintenance of traffic controllers.

The largest project for the City is the Rock Road Lift Station I/I Program. A thorough examination of sewer infrastructure was a priority. In preparation for the work of sealing City owned sanitary sewer lines, we inspected and televised 225 sewer laterals in the Rock Road Drainage area. There were 24 illegal sewer connections removed from the City's sewer system. We repaired 15 manholes which were allowing ground water to enter our system. The work of lining the sanitary sewer laterals in this area began in December of 2007. The City received a 30 year \$500,000 OPWC loan at 0% interest for this project in 2007. Ontario has applied for another 30 year \$500,000 OPWC loan at 0% interest for Phase II of this project. This project is ranked as the number one project in Richland County by the Regional Planning Commission.

The City also replaced 580 feet of sanitary sewer line along Spring Village Lane to alleviate a problem that caused some sewer line backups.

We believe in investing in our employees. Throughout the year numerous employees attend technical and practical training sessions which gives them needed knowledge and practical techniques to apply to their responsibilities at the City.

The Service Department staff worked on the Storm Water Management Program and was able to accomplish a lot of work this past summer due to the dry weather, which cut back on our grass mowing. There were 190 storm water repairs made which included ditching, pipe replacement and catch basin repairs. Our inspections included the annual inspection of 121 detention basins and the inspection of 98 water outfalls. The annual Phase II Storm Water Report was completed and sent to the Ohio EPA.

Our Water Department Staff continues to work efficiently while maintaining our high quality water for our residents. Water Plant Supervisor Mark Henke continues to operate an efficient and professional plant. Water Distribution Supervisor Evan Hellinger and his crew has maintained our distribution system throughout the City. They often make needed repairs to water lines, day or night in all types of weather. Connie Gleisinger, City Water Clerk, has closely watched our billing procedures and the costs which are associated to our water service.

City Parks have facilities for the young and the young at heart. Every year, under Ken Burrer's supervision, we work hard to update our different ball fields and courts, our park equipment and to make other park improvements. Park Department improvements last year were a new picnic pavilion at Marshal Park tennis court area, paving of Dunlap Drive and the parking lot adjacent to baseball and softball complex, removal of dead trees in Marshal Park and Sunset Park and the planting of new trees in Marshal, Sunset and Spring Village Parks.

Our Cemetery Director, Bob Eyerly, has again shined in his maintenance of the City's Cemetery. Our community should be proud of how our Cemetery is well maintained and respectfully attended, as this reflects well on our whole City.

The City's Building Maintenance Department, under Mike Stransky's supervision, continues to keep our buildings and grounds immaculate. Whatever occasion or problem that may arise during the year, it is well taken care of and in a timely manner.

All of the members of our service and maintenance staff are greatly appreciated for their dedication to duty and for their willingness to go above and beyond what is required. Their knowledge and efficiency pertaining to their jobs is second to none. We are truly blessed to have such members on our City's staff.

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Zoning Inspector, Dallas Strickler, has done an outstanding job in Ontario's Zoning Department. The work that comes out of this department is phenomenal. Mr. Strickler is constantly looking to refine procedures or to recommend improvements to our City's zoning ordinances. His enforcement of our codes is impeccable.

The Ontario Recreation Department, under Director Janet VanCura's leadership, was very busy in 2007. The qualities of the Recreation Department's programs were extraordinary and provided many activities for all of our age groups. Some of the programs were; Easter Egg Hunt, Lifeguard Certification Classes, Summer Recreation, Swim Lessons, Aerobics Classes, Yoga Classes, Family Swim and of course our 31<sup>st</sup> Annual Community Craft Show. These programs certainly add to the quality of life in the City of Ontario.

The Civil Service Commission was extremely busy during 2007. Chairman Dan Henige, Kim Buckmaster and Fay Krauss have spent numerous and tedious hours dealing with civil service matters. The Commission reviewed and then made changes to the rules and regulations of the City's Civil Service Policy. The Commission administered civil service tests for Police Officers and for Police Dispatchers. They then reviewed the results of these tests and ranked the results. I would like to thank the members of the Civil Service Commission for their dedication and professionalism during this past year.

The City's Senior Center, under Dorothy Rader's direction, provides an attractive building with numerous resources and opportunities for our senior citizens. The seniors provide a very important role in the quality of life in our community and the City of Ontario is honored to provide this facility for their use.

Our City Auditor, Nancy Morehead, has worked diligently to watch over the spending of our budget appropriations. We appreciate her department for all their hard work. The City had a State Audit in 2007. We are waiting for the results for the years 2005 and 2006.

The City Treasurer, Linda Stoodt, has been very busy investing our City's funds and is wisely producing good returns on taxpayers' money. The Income Tax Department continues to be aggressive in collecting all taxes that are due. The Treasurer and Income Tax Departments' hard work is greatly appreciated.

You might be surprised to learn that 16 single family homes, 14 multi-family buildings and one (1) assisted living facility were constructed in Ontario in the year 2007. Our City continues to grow despite a slow building construction trend.

Retail businesses continue to find the Lex-Springmill Road Corridor and the Walker Lake Road area to be attractive for business development. This is a strong indicator that business is confident to invest in capital projects. The City Zoning Department has given out 6 permits for new retail development construction in 2007. Some new stores that opened in 2007 are: Thompson Benefit Solutions, Summit Therapy & Performance Center, Panera Bread, Cold Stone Creamery, Check Smart, Aspen Dental, Embarq Retail Store, MC2, The Vitamin Shoppe, AT&T Retail Store, Mattress Mart, Bridal and Formal Wear by B, Shoe Show, Express Payday Loans and Hobby Force.

An exciting development is the sale and renovation of the old K-Mart property on Lex-Springmill Road. The Ratliff Development Group is doing a great job on this property and of course the City of Ontario is very pleased to see this prime property being re-developed. Two

businesses that are expected to open this year are The Flower Factory and The Ashley Furniture Store. The Furniture Row Store on Walker Lake Road is nearing completion and the road improvements along with the Menards Store are scheduled to begin later this year.

Economic development is the heartbeat of Ontario. We are seeing significant development in some areas within the City; however, we must continue to work with groups that can market and promote our City. Several organizations that were very helpful in the year 2007 were the Richland Economic Development Corporation (REDeC), Richland Chamber of Commerce, Richland County Regional Planning Commission, Richland County Governmental Offices, City of Mansfield, local developers

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and local and national realtors. We look forward to this year with anticipation as we work to accomplish more with these organizations. This coalition utilizes professional planning efforts to incorporate job recruitment and job retention for our whole region. We believe that our efforts coupled with this coalition's efforts will pay big dividends in the near future.

There are several Boards and Commissions that residents in our community have volunteered to serve on. I would like to recognize these individuals for their unselfish and distinguished contributions to the City of Ontario.

The members of the Ontario Planning Commission; Chairman Mike Rohal, Jill Knight and Fred Zahn.

The members of the Ontario Shade Tree Commission; Chairman Richard Poffenbaugh, Angie Young and John Makley.

The members of the Ontario Recreation Board; Chairwoman Debbie Kohler, Elizabeth Bocka, Becky Enrico, Theresa Jeremy and Monty Perry.

The representatives on the Board of Health; Barbara Cinadr and Roger Ronk.

The members of the Ontario Income Tax Review Board; Janine Caico, Dave Rehfeldt and Sandy Collins.

Our resident member on the Ontario Records Commission; Lee Kirsh.

Our community deeply appreciates the sacrifices that all of you make to serve on these Boards and Commissions.

In closing, I would like to state that I am grateful to be a resident of our extraordinary City. The faith, values and co-operation of the good people of Ontario makes our City a wonderful place to live, to raise a family and to work. I want to again thank all the Staff of the City of Ontario for their many accomplishments in 2007 and for their commitment to duty. With the continued support of our residents and our staff, we will move forward with the work of continuing the stability, growth and safety of our GREAT City.

Thank you and may God bless each of you.

Mr. Williams asked the Mayor if information would be received regarding the annual Phase II Storm Water Report that was completed and sent to the Ohio EPA. Mayor Bender responded by saying, the City entered a five year Storm Water Management Program with the Ohio EPA and is required to make an annual report, they do not provide any feedback.

### **SERVICE/SAFETY DIRECTOR'S REPORT**

Mr. Au had no report.

### **LAW DIRECTOR'S REPORT**

Mrs. Thomas reported on the activity within her department by stating: Assistant Law Director Ryan Hoovler and I attended the Ohio Municipal Attorney's Association meetings this summer that were for two and a half days. The TIF documents have all been completed for the Menards/ Walker Lake Road project. Currently, we still have the Briner case that is set to go to court March 24, Nick Tomino is our attorney. The Melanie Cline case, which has been combined with the Gilbert Rush case, is also in Federal Court and Attorney Tomino is representing us in that one. The McClaran case is currently at the Supreme Court level. We have another case, McCarthy, concerning an accident that was in the City and that one we are waiting on Judge DeWeese to make a decision on a motion to dismiss. I have attended most of the Committee, Council, Planning Commission meetings and Civil Service when I'm

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requested. I prepare all of the legislation that you had to vote on this year and try to answer various questions for each of the committees as well as all of the elected officials.

Then for some numbers, from last year to this year, the Police Department has really been busy because it means my office has been extra busy with cases. In 2006, we have a case count of the number of people of 494; in total charges for 2006 that my office handled was 843 with 262 that were still pending at the beginning of this year. Currently, in 2007 we had 181 cases in the Municipal Court in Mansfield with 294 charges; and in the Mayor's Court cases we handled 896 cases with 1,171 charges. So, total overall cases of 1,077 and charges of 1,465 which is up significantly, almost double of last year. We have currently pending, as of January 1, 2008, we have 113 cases pending which is down quit a bit from last year.

**OTHER REPORTS**

Treasurer Linda Stoodt shared information from her year end report. Mrs. Stoodt began by explaining she is responsible for recording all of the money that comes into the City and to ensure the money goes into the correct accounts. She does not have anything to do with expenditures. Mrs. Stoodt continued: I'm happy to report that we have mailed 3,154 post cards. The post cards have been sent to all residents and businesses in the City of Ontario advising them their income tax will be due on April 15. The purpose of this post card was not only to be environmentally conscious but was also to reduce costs. We have found in the Income Tax Department that most of the income tax forms we receive are done by tax preparers or they have been downloaded from our webpage. So, for this reason, we elected not to send individual forms out and this has resulted in a savings this year of postage and printing of \$708.23. The postcards that are being sent to all of the residents, who should start getting them in the mail tomorrow, will advise them that the Income Tax Forms for 2007 are available at our local Library, Post Office, Administration Building, and on our website. It does contain two phone numbers that a resident may call if they wish to have a form mailed to them, which we will be happy to do. I hope that you will appreciate the step we have taken in reducing the income tax costs.

The total income tax collected for 2007 was \$3,770,880.37; the income tax collection for the City was down \$527,060 for 2007. One manufacturer within the City was down over \$471,000 so you can see what has made up the largest part of our reduction.

I would also like to give kudos to Sallie Neal, our Income Tax Administrator, because she continues to make great strides in cleaning up tax issues that date back as far as 2003. This past year, forty-nine court cases have been filed with forty-five paying before the court date. One is currently making payments, one being pursued and two have closed. With the help of our law office we are trying to come up with methods of collecting from individuals who choose to ignore our certified letters. One way will be to turn individuals over to the local collection which I just found out this evening that we are not able to do, due to confidentiality. At the present time, we have two restaurants in town which pay on what they call a short-tipped scale. This is eliminating the tips the waitresses receive and, therefore, the City has not been receiving the income tax money that is due us. We figure that out of the ninety individuals that were involved in this, to date we have received \$1,748 with \$815 unable to collect due to a bad address or no response. This again, is where the Law Director's office is able to help us.

It has also come to our attention this past year that a company located in the City was paying employee withholding taxes to the City of Mansfield since 2004. This involved ten employees, to date, nine have paid in full for a total of \$12,376; one has been taken to court and is currently making payments. The company has paid taxes correctly for the 2007 tax year.

I am happy to report the City has thirteen CDs with local banks totaling \$3,840,355. We also have one money market account locally which currently has a deposit of \$1,188,598. United Capital Investment continues to handle our investments and right now they are showing we have \$5,379,365 which they have invested for us. If you add up the total cash assets for the City for 2007 as of 12/31 we are showing a balance of \$10,408,319. I'm sure this is nothing new to all of you, but interest rates are dropping. For example, in November 2007 we were able to earn 4.91 on our money market account, for December that same account dropped to 4.56. The interest rates are hurting us as well as everyone else. Our sweep account is a good example of this. For those of you who may not be aware of what a

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sweep account is, we have a checking account with a local bank where all of our daily checks go through, like you would have at home. But, because of the amount of money that we keep in that account, at night the money is 'swept' out of that account, and in November we were earning 4.25%, and in the morning the money sweeps back into that account for during the day, and that happens every day. I get a slip from the bank every day advising what we have in the account and how much interest we earned for that particular day. Ideally, I would like to earn \$100 a day, that's my goal, but unfortunately right now we're just not able to do that because of the interest rates. In November we were earning 4.25% and December that dropped to 3.85%. So, you can see that is something we have to be very much aware of.

Another sweep account is with United Capital. What happens there is as notes come due and that money is put into a sweep account it is held until our investment firm decides to take another investment out for us. For the month of December we had two notes coming due and since interest rates are low I took the initiative to withdraw a million dollars from that account and what I have done with that million is, I have invested it into two CDs locally. One of them is going to pay us 5% for a two year period which I felt was an excellent rate, the other \$500,000 I invested in another bank a week later and the best rate I could get was 4.88%. That again was for a two year period. The good news is, with the two CDs in the two year period the City will earn over \$98,000 in interest on those two alone. I feel that is something that we need very strongly; we will receive interest checks monthly on this.

The Water and Sewer Department this past year collected \$1,854,149 for their services which is \$46,121 more than what they earned in 2006.

Another program we have initiated this past year with the Police Chief is when someone makes a false alarm call the business is not charged. They are permitted to have three false alarm calls in a quarter without being charged, when the police go the fourth time they are charged. We now have a system in place where the Police Department provides me with the information on where they've made the police calls. They have a detailed sheet on when it was made, who initiated the call, and I'm sending out bills. For 2007 we billed at total of seventy-four calls which resulted in \$1,110 coming into the City.

Another service the City does is fingerprinting for individuals who come in and request it. The charge is \$10 per fingerprinting. Last year, we serviced seventy-five individuals.

Another item I think is worth mentioning is our Community Room that was rented a total of thirty-three times last year and Marshall Park was rented a total of seventy-nine times, and each time it is rented for \$35 a piece.

We issued 167 Contractor's Licenses and Zoning Fees totaled \$15,137.10.

Council has before them a complete printout of all of the revenue figures that is broken down by each department by each account number. If you have any questions, I'll be happy to assist you.

At this time, Mr. Weidemyre asked how the 2007 assets of approximately \$10 million compared with 2006. Mrs. Stoodt said she did not have the information for comparison with her but this does not include the checking account, it is the investments only. Revenue is down \$527,060 for the year. Mrs. Stoodt concurred when Mr. Weidemyre stated that \$600,000 was spent above what was received. Looking ahead to the 2008 income taxes, Mrs. Stoodt said there are twelve new businesses but retail does not make up for the largest manufacturer. She anticipates the 2008 income tax figures to be comparable to the past year. Also, the Occupancy Tax earned \$118,796.96 last year.

## **PUBLIC HEARING**

Mr. Metzger opened the Public Hearing portion of the meeting at 8:02 p.m.

Fred Kohler, of 1482 Lex-Springmill Road, approached Council to say: Obviously you're all relieved but I don't know how you're going to vote, so I'll ask the question, What came out of Planning

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Commission, how did they rule on this? (Mr. Metzger replied that it passed unanimously). That means you have to turn it down or pass it, you only need a majority to pass it. (Mrs. Thomas interjected, just a majority, you don't have to have a super majority to turn it down, just a regular vote covers it.) I would just say, there are quite a few new members here and I encourage you to understand that rezones are probably one of the toughest issues you're going to face. About ten years ago we had a committee put together and I'm not sure if any of you served on that but we did a zoning map and we looked at everything and we said these are the areas that we ought to have residential, and so on. Since that time we've deviated from that plan considerably, many times. So, I encourage you to look at the rezone in an overall fashion and say what is best for the citizens of Ontario, not just what is best for whoever is wanting the rezone, you have to look at the whole picture. So, I encourage you, while you are all breathing a sigh of relief because apparently you're going to turn this thing down, I encourage you to start paying attention to these rezones. I don't know if the Planning Commission Rules have changed; Barry, maybe you can address that. You need to understand the responsibility for this group is rezones and it's very tough to get all of the information that you need to make the decision. You've got to think about public safety in all matters, you've got to think about not just what is in front of you but is the rezone the best for the community. Being that we already have a zoning map that we said this is what we want the community to look at I guess you're off the hook tonight but I can tell you right now that coming down the pike is another one that you're going to have to face. As most people know, rezones and all those things are one of my favorite hot spots because I think as a governing body you must look at all the facts and what is best for everybody, not just maybe a landowner or a person coming in. That's all I wanted to say, you're off the hook tonight, but I guarantee that coming down the pike there's another one coming so take advantage of what you've got here and start figuring out what you're going to do with the next rezone. Thank you.

Tom Nicastro, 2767 Park Avenue West, was next to come before Council to say: I am representing Angel Refuge, City of Mansfield incorporated. I also own the adjoining property to the cemetery which is approximately six acres, so you're talking about a total of about eleven acres. I don't know if this rezoning thing has become a mute point as of now but if it has not or if it is going to be considered to go through as suggested into General Industrial, I want for the record to make it known that I oppose that, mainly because I don't know any cemeteries that are under that jurisdiction. I can assure you there are thousands of people who would fill this room if needed to oppose that zoning. So, it is my hope that you will take that into consideration. I was going to state that if the zoning were to go through that I wouldn't oppose it up to my property. I would be at the end of that line is what my understanding would be and the only other property that is beyond me is the small parcel that is zoned by the State. To my understanding I would be the end of the line so I was just going to propose that you stop it before the cemetery. I thank you for your time and by the way, Ontario should be very proud that it has a pet cemetery and crematory because you don't find them everywhere and a lot of people are very, very grateful that there is one here, I can assure you. Thank you for your time.

The remaining residents who signed-in to speak during the Public Hearing declined to do so.

Mr. Metzger closed the Public Hearing at 8:07 p.m.

## **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

### **RESOLUTION NO. 07-27**

(THIRD READING) A RESOLUTION DIRECTING THAT THE ORDER FOR DEMOLITION OF PROPERTY AT 3651 PARK AVENUE WEST UNDER A CONTACT FOR LABOR, MATERIALS AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE AND DECLARING AN EMERGENCY.

Mr. Williams read Resolution No. 07-27 for the third time, by title only.

Mr. Williams made a motion to adopt Resolution No. 07-27. Mr. Cinadr seconded the motion. Hearing no discussion, four members voted Aye, two Nay by Mr. Zeiter and Mr. Weidemyre, and Resolution No. 07-27 was adopted.

### **ORDINANCE NO. 07-42**

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2008

(SECOND READING) AN ORDINANCE AUTHORIZING THE MAYOR TO BID AT SHERIFF'S SALE FOR PROPERTY LOCATED AT 3651 PARK AVENUE WEST AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 07-42 on three separate days. Mr. Blackwell seconded the motion. Three members cast their votes Aye, three Nays by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Zeiter read Ordinance No. 07-42 for the second time, by title only.

ORDINANCE NO. 08-01

AN ORDINANCE REZONING PROPERTY ON THE SOUTH SIDE PARK AVENUE WEST FROM B BUSINESS DISTRICT TO GI GENERAL INDUSTRIAL DISTRICT.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 08-01 on three separate days. Mr. Williams seconded the motion. Mr. Metzger felt new Council members shared some confusion on the voting process for suspending the rules and recalled the two Aye, four Nay vote. He then explained in order to vote on this ordinance tonight they must vote Yes on the suspension of the rules then they will vote again on the actual ordinance. Five members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 08-01 for the first time, by title only.

At 8:10 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. Lewis. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

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President of Council

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Clerk of Council