

Regular

July 10

2008

Ontario City Council met in regular session on July 10, 2008 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 Dan Zeiter, Mark Weidemyre, Leon Blackwell, Barry Lewis, Charlotte Hellinger, and Joseph W. Cinadr; Mr. Metzger; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Chuck Au; Recreation Director Janet VanCura; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Blackwell made a motion to excuse Mr. Williams from this evening's meeting. Mr. Cinadr 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 19, 2008 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

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

COMMITTEE REPORTS

Mr. Zeiter scheduled a Finance Committee meeting on August 14, 2008, directly following the Economic Development meeting to review the first half of 2008 and determine if any adjustments are necessary for the remainder of the year. Auditor Morehead has been invited to attend.

Mr. Blackwell announced a Personnel Committee meeting will be held on July 17, 2008 at 3:00 p.m. to discuss bonding legislation.

Mr. Lewis called a Safety Committee meeting to follow the Personnel Committee meeting on July 17, 2008, to discuss the auxiliary police ordinance.

Mr. Cinadr reported an Economic Development meeting was held prior to this evening's Council meeting, and scheduled another Economic Development meeting for August 14, 2008 at 5:30 p.m.

Mr. Weidemyre and Charlotte Hellinger had no report this evening.

MAYOR'S REPORT

Mayor Bender reported on several items.

- Mayor Bender thanked the 4th of July Festival Committee for performing a wonderful service for the City. John Williams chaired the committee which was very active during the past six months. There were a lot of positive comments not only from residents but also those outside the community. Congratulations on a job well done.
- The Police Department is conducting Neighborhood Watch meetings this month. The City has been divided into four quadrants; if residents aren't able to attend the meeting in their area they may attend one that is convenient. The next two scheduled meetings are July 22nd at 6:30 p.m., at the Westwood Alliance Church on Willowood Drive East, and July 24th at 6:30 p.m., at the First Church of God on Park Avenue West. The topic will be identity theft and, for the children, bike safety. Door prizes will be available for the children and everyone is encouraged to attend these meetings.

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- Swimming pools were discussed at the last Planning Commission meeting. The City of Ontario has ordinances in place requiring a permit for swimming pools over two feet in depth. This includes the inflatable pools purchased at retail stores. A five foot fence is required for pools over two feet deep and a detachable ladder or a way of entry is required for pools exceeding a depth of four feet. For safety concerns, Mayor Bender encouraged everyone with a swimming pool over two feet deep to obtain a permit.
- Storage yard barns also require a permit in the City of Ontario to ensure compliance with setbacks.
- Any new or altered driveways must have a permit due to the specifications when entering into the public highways.

Mr. Weidemyre asked about the vacant swimming pool on Ferguson Road that was being filled in but the process has stopped. Mr. Au responded, the owner does not have any available fill dirt so to encourage the demolition of the building and filling in the pool the arrangement was made for the City and contractors to deposit their excess dirt on this property.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au reported on the following.

- ODOT is working on the Home Road bridge. They will try to complete the project by the end of the month in order to have the road opened for the Richland County Fair.
- They have met with the contractors for Contracts 1 and 2. Since the rain has delayed the starting date, Smith Paving plans to begin the first week in August and will complete the paving project this year; Kokosing will begin mid-August. Smith Paving is doing the concrete work at the underpass on Park Avenue and Kokosing is providing the blacktop work on Smith's projects.
- The I&I project is progressing very well and they are happy with the results. The engineering work has begun on the second phase. Mr. Au is hopeful the ordinance will be passed at the next meeting to accept the loan so the project can be completed.

When Mr. Lewis asked Mr. Au what was the status of the survey markers on the hill at P&R Manufacturing, Mr. Au said they are still working on a long list of items that need to be done.

Mr. Zeiter referenced the June 27, 2008, Board of Control minutes when asking Mayor Bender and Mr. Au about the scheduled 10:00 a.m. meeting that didn't take place until 1:45 p.m., authorizing a requisition for K.E. McCartney for the engineering inspection on phase two of the I&I project. The contract is for time and material not to exceed \$81,600. He asked why they agreed to a requisition for an inspection on something that has not been approved and secondly, how did a project for \$81,000 get approved without going through the bid process. Mr. Au explained engineering work is never bid and K.E. McCartney did the work to obtain the loan which reduced the price by \$57,000 compared to the work on phase one because part of the engineering work was done during phase one.

- Mr. Zeiter commented that his understanding was in a statutory city anything over \$25,000 must bid.
- Mrs. Thomas stated that certain things are not bid.
- Mr. Au added that legal work is not bid and professional work is not bid.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

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RECREATION DIRECTOR'S REPORT

Mrs. VanCura reported on several activities:

Lifeguard Certification Class. Ten students participated in the June certification class and all ten passed the test.

Summer Recreation. This program went very well this year with 225 attending the first week and 230 the second week. Seventy-five teens and five adults were hired to supervise the different activities.

Swim Lessons. The swim lessons followed summer rec and attracted twenty-five children at each of the two sessions. There was a \$40 fee per child.

Ontario 50th Anniversary Card Contest. Many children participated in this project and their cards will be displayed in different buildings during the celebration. Mrs. VanCura displayed the winning cards and said awards will be given after the parade on August 23, 2008.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 08-08

(SECOND READING) A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ACCEPT BID AND AWARD A CONTRACT FOR THE I&I PROGRAM FOR ONTARIO ROCK ROAD DRAINAGE AREA.

Mr. Zeiter interjected, due to information received earlier this evening from Mr. Swinehart regarding a meeting with K.E. McCartney and the status of phase one, he would like to return this resolution to committee to discuss the status of the project before committing to spending over a million dollars.

Mr. Zeiter made a motion to send Resolution No. 08-08 to the Utilities Committee. Mr. Weidemyre seconded the motion. At roll call, four members voted Aye, two Nay votes by Mr. Blackwell and Mr. Cinadr, and the motion was approved.

ORDINANCE NO. 08-26

(SECOND READING) AN ORDINANCE AMENDING ORDINANCE 08-11 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE, FOR 2008 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 08-26 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 08-26 for the second time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 08-26. Mr. Zeiter seconded the motion. Mr. Weidemyre asked for verification if this account includes the generator and Mr. Metzger confirmed that was his understanding. Six members cast their votes Aye, zero Nay, and Ordinance No. 08-26 was adopted.

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ORDINANCE NO. 08-27

AN ORDINANCE PROVIDING FOR SUBMITTING QUESTION “SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?”

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 08-27 on three separate days. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Zeiter read Ordinance No. 08-27 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 08-27. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and Ordinance No. 08-27 was adopted.

ORDINANCE NO. 08-28

AN ORDINANCE APPROVING THE EDITION AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ONTARIO, OHIO AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 08-28 on three separate days. Mr. Blackwell seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 08-28 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 08-28. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and Ordinance No. 08-28 was adopted.

ORDINANCE NO. 08-29

AN ORDINANCE AMENDING ORDINANCE 08-11 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2008 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND AND SPECIAL REVENUE FUND.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 08-29 on three separate days. Mr. Lewis seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 08-29 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 08-29. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and Ordinance No. 08-29 was adopted.

ORDINANCE NO. 08-22

AN ORDINANCE AMENDING SECTION 921.01(d)(9) OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

Mr. Weidemyre made a motion to send Ordinance No. 08-22 to the Utilities Committee for further review. Mr. Zeiter seconded the motion. Six members cast their votes Aye, zero Nay, and the motion was approved.

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ORDINANCE NO. 08-23

AN ORDINANCE ESTABLISHING PUBLIC EMPLOYEE BLANKET BONDS FOR CITY OF ONTARIO OFFICIALS AND EMPLOYEES.

Mr. Weidemyre made a motion to send Ordinance No. 08-23 to the Personnel Committee. Mr. Blackwell seconded the motion. Six members cast their votes Aye, zero Nay, and the motion was approved.

ORDINANCE NO. 08-24

AN ORDINANCE AMENDING SECTION 139.11 (a)(b)(c)(d)(e)(f)(g)(h)(i) OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Lewis made a motion to send Ordinance No. 08-24 to the Safety Committee. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion was approved.

At 7:24 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Cinadr and a second by Mr. Weidemyre. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council