

Ontario City Council met in regular session on January 8, 2009 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 Paul Williams, Dan Zeiter, Leon Blackwell, Mark Weidemyre, Barry Lewis, and Joseph W. Cinadr; Mr. Metzger; Law Director Rebecca Thomas; Mayor Kenneth Bender; Service/Safety Director Charles Au; Auditor Nancy Morehead; Treasurer Linda Stoodt; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

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

Mr. Weidemyre made a motion to approve the Rules of Council for 2009. 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 December 18, 2008 were presented for approval. Mr. Zeiter made a motion to approve the minutes and Mr. Williams seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

#### **PUBLIC COMMENTARY**

Jim Henry, 1129 Lewis Road, addressed Council: I want to thank everyone here for those who attended the first couple of meetings for the Charter Commission. We're starting off pretty well and we're in the process of selecting counsel. We very much would like to offer everyone an opportunity to be there, we really like public input. I do have a copy, for the record, of our meeting minutes from our 12-23 meeting, the first meeting, it's dated 12-27 but I didn't update it.

#### **COMMITTEE REPORTS**

Mr. Zeiter announced a Finance Committee of the Whole meeting on Wednesday, January 21, 2009 at 5:00 p.m.

Mr. Cinadr urged everyone to seriously consider spending their money locally during these trying financial times.

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

#### **MAYOR'S REPORT**

Mayor Bender reported on several items.

- The Menards store is now open for business. The contractor's opening was January 5<sup>th</sup>, the public opening on January 6<sup>th</sup>, and the Grand Opening is January 19, 2009.
- Congratulations to the Police Department, especially the third watch, in apprehending the three individuals who stole a purse at Richland Mall.
- Appreciation to the Streets Department for their plowing and salting of the roads to maintain safety.
- Acknowledgment to the Ontario Water Department for their quick response to the large number of water leaks in the past three months.

Mayor Bender presented the State of the City Report to Council:

I am pleased to present this State of the City report for the year 2008 to the members of Ontario City Council, City Staff and especially to the good citizens of the City of Ontario. This report allows me the opportunity to share with you some of the most significant achievements and events that occurred in the year 2008 in Ontario and to preview some things to look for in the year 2009.

The year 2008 allowed our fair City the pleasure of celebrating the 50<sup>th</sup> Anniversary of the incorporation of Ontario. The three day event was a great success as we honored our Founders, significant people and our past Mayors. The City had a formal ceremony on the Memorial Bell Tower Patio on August 21<sup>st</sup> and presented the new Ontario City flag to Mr. Cleo Taylor, one of our incorporating founders, to be hoisted up the flag's pole for the first time. On August 22<sup>nd</sup>, a recognition dinner was held at the Brown Derby Roadhouse Banquet Facility featuring Founders, past Mayors and individuals who represented significant groups in the development of Ontario. Saturday morning, August 23<sup>rd</sup> featured a beautiful and entertaining parade, after the parade a "Party in the Park" was held at Marshall Park and in the evening a spectacular fireworks display was presented behind Ontario High School. These events would not have been possible without the generous monetary contributions of corporate and individual sponsors. I would also like to thank the 50<sup>th</sup> Anniversary Committee, Ontario Lions Club, Ontario Rotary Club, Ontario Growth Association, Ontario 4<sup>th</sup> of July Festival Committee and the Ontario School System for all the work that they donated for these events.

This past year also had some other events worth noting. On January 23, 2008, a flatbed trailer loaded with heavy equipment struck the Home Road bridge which spans State Route 309 and caused structural damage. Home Road was closed to traffic from January 23<sup>rd</sup> until the repairs were completed on July 30<sup>th</sup>. On February 5<sup>th</sup> and 6<sup>th</sup>, many areas of Richland County were heavily flooded. Ontario was very fortunate and did not sustain the heavy flood damage. Our weather on March 7<sup>th</sup> and 8<sup>th</sup> delivered near blizzard conditions and all of Richland County was under a Level 2 snow emergency. Many Ontario residents experienced power outages on March 8<sup>th</sup>.

On April 18<sup>th</sup>, I organized a second meeting pertaining to wind energy generation. There were a number of Energy Experts from throughout the State of Ohio in attendance at this meeting. On September 14<sup>th</sup>, high winds blew through Ontario and totally damaged the eastern roof of the City's Community Room. Permanent repairs to the roof were completed in December. A commission to frame a Charter for the City of Ontario was approved in the November General Election. The Charter Commission began meeting on December 23, 2008.

Economic uncertainty has forced local governments to be vigilant in the care of their budgets. The Municipal Cost Index for all commodities for the year 2008 shows an increase of 5.6% for the year. In this time of unforgiving and rapidly changing economic developments, many revenues for funding are failing to keep up with the continued demand for services. Our Federal and State governments continue to squeeze and eliminate funding for cities such as Ontario which in turn mandates cities to tighten their budgets. Ontario's 1% income tax collections were down 1.1% in 2008 however, the total City income was up 7.25% over 2007. I have proposed a budget for 2009 which is 3.3% less than the 2008 proposed budget. On December 23, 2008, I called a meeting of our department heads and informed them that I wanted an additional 15% decrease in many of the non-mandatory budget lines. These decreases will reduce the 2009 budget an additional \$284,490.00 and decrease this year's total budget by 5.8%. We will continue to maintain or make any and all necessary changes to the 2009 budget to reflect a prudent and balanced budget that continues cutting back on expenses.

I have stated on numerous occasions that Public Safety is my main concern for the City of Ontario. The Ontario Police Department, under the direction of Chief Rodney Smith, continues to be progressive in its approach to provide quality police services. The Department was fully staffed during the greater part of the year 2008 and accomplished many positive programs throughout the year. The City finalized the retirement of our former Police Chief, installed two

tornado sirens within the City limits and purchased three new fully equipped Chevrolet Impala police cruisers. The City's Neighborhood Watch Program is now divided into four Watch Groups which meet at least once every three months. Chief Smith introduced a Neighborhood Bike Patrol this past year which will allow our officers to communicate with the residents in their neighborhoods and promote our officers to ask "what's happening" rather than "what happened?" This allows our police department to react to crime and more importantly to prevent crime. In the past year, \$40,000.00 from the Federal Homeland Security Fund was used for improvements in our Communication Mobile Command Unit and for the Backup Emergency Operations Center (EOC) which is located at our Service building. The Ontario Police Department continues to be key partner with other local, state and federal law enforcement agencies. This past year, under Chief Smith, the City did not have any personnel grievances, additional arbitration or labor contract costs with the Ontario FOP. This is three straight years of ZERO dollars spent on labor issues. The previous 32 months cost the City approximately \$162,000.00 in labor related issues. Our Police Department remains strong, positive, informed and ready to serve.

Ontario's Planning Commission, Zoning Department and Engineering Department continue to work on planning the future of our City, as well as, enforcing our Zoning Code, which in turn promotes the livability and desirability of Ontario.

The year 2008 was also a year of continuation on the problem of vacant and unsafe properties, whether residential or commercial, which can create costly and unsafe problems for our City. Abandoned properties detract from the quality of life and limit the economic opportunities for those living near them. Abandoned properties also can be magnets for crime. This past year we were able to have four buildings demolished, one large swimming pool filled in and seven other properties were cleaned up.

The City saw the closing of 10 commercial businesses in the year 2008 with the possibility of several more this year. Ontario did have openings for 15 new commercial businesses in the year 2008, as well as, two existing businesses relocating to new locations within the City limits. There are currently five business sites under construction within the City and the Grand Opening of Menards Home Store was held January 6<sup>th</sup> of this year. The commercial growth in Ontario continues to date, but we anticipate some slowing down of growth in 2009.

The Street Department continues to improve our streets, as well as, provide services such as ice and snow removal, cleaning of storm sewers and brush and leaf pickup. The City's 2008 Street Paving Program included; Hemlock Place, Rosewood Area Phase II (new curbs and gutters) and North Home Road Extension. Portions of paving were completed on Ferguson Road, Fulwell Drive and West Fourth Street. The City reconstructed and repaired the drainage and paved under the Railroad Bridge on Park Avenue West. Miscellaneous repairs, lane striping and crack sealing were completed throughout the City. The street intersections at North Lex-Springmill Road and Walker-Lake Road (east) and Walker-Lake Road and Home Road had extensive intersection improvements in 2008 due to the Menards Home Improvement Store project. Roadways were widened and resurfaced, traffic lanes were added, sidewalks were installed, a traffic light was added and a new traffic cabinet was installed. The Traffic Department also replaced three traffic controllers, the Target/Walker-Lake Road traffic cabinet was re-wired to be an eight phase system and our street crew changed flasher signals over to LED which makes the traffic system completely LED which is 75% more energy efficient. The Ohio Department of Transportation's High Crash Locations study for the City of Ontario was completed in 2008 and the final report should be presented in 2009. The preliminary report shows that Ontario's intersections have significant safety improvements over previous reports. We will continue to improve our City's streets and make them as safe as possible.

The Sanitary Sewer Department continues to remain very busy. Our City employees built a new building to house the pumps at the Oak Tree Lift Station and inspected and televised 75 sewer laterals in the Rock Road Lift Station area. The first phase of the Rock Road Lift Station Drainage Area I/I Reduction Program was completed in 2008.

Phase II of the I/I Reduction Program is currently underway and should be completed this year. Our Sewer Department purchased a new gas monitor for confined areas in 2008. Our City employees' safety is always a top priority.

The 2008 Phase II Storm Water Report was completed and sent to the Ohio EPA. The City's Sewer Department employees inspected 121 detention basins and also inspected 98 storm water outfalls in 2008. There were 140 storm water repairs completed last year, which includes ditching, pipe replacement and catch basin repairs.

Ontario's Water Treatment Plant continues to operate safely and efficiently and still has adequate capacity for a number of more years. The City's water distribution system is sound, but continues to need the necessary annual repairs for leaks and valve replacements.

The Parks Department, Recreation Department and Senior Citizen's Center continue to provide outstanding services to our residents. Our Parks provide countless hours of recreation for our citizens in a safe and clean environment. The Parks Department has installed two new wooden benches, re-surfaced the basketball courts and planted new trees in Marshall Park. Many dead trees and tree limbs were removed from all of our parks. City Council amended and established new regulations for our city parks which include new rental fees for the use of park pavilions.

I am proud to declare that the state of our city is strong and Ontario continues to make progress, even in these trying times.

We are moving in the right direction and we plan to continue making significant strides as we enter this new year. In spite of many challenges:

- The City's budget is balanced.
- We have a strategic plan for success through planned and proper use of our personnel and resources.
- We have our costs under control because of our plan for more efficient operations.
- We are active in cooperative regional planning for Ontario's economy and safety.

In closing, I would like to thank our citizens and businesses who are active in making Ontario such a great place in which to live and work. I also would like to thank all the City Council members, City employees, City volunteers and City board and commission members who tirelessly work to promote the important issues of our great City.

Thank you and May God Bless the City of Ontario.

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

Mr. Au reported on several items.

- The City of Mansfield has been repairing a leak to the 16-inch water main located in the middle of Lexington Springmill Road. Although the leak began prior to the holidays the decision was made to postpone the repairs until the beginning of the year since the line feeds General Motors which was on shut-down during this time. The repairs are completed and the final paving will be done tomorrow with weather permitting.
- Crews are picking up Christmas Trees for one more week.
- The second phase of the I&I is in progress. The contractors have made great progress and the project is well ahead of schedule.
- Referring to the Mayor's report on the purse theft, the arresting officer in Crestline was Patrolman Gregory Ford who was sworn-in as an Ontario Police Officer the following Monday.

## LAW DIRECTOR'S REPORT

Mrs. Thomas presented the following report.

- In criminal work for the year, there were 109 new municipal court cases with a total of 180 charges.
- The Law Director's office worked on 949 Mayor's Court cases, equaling 1,310 charges which totaled 1,058 new cases and 1,490 new charges.
- The sign regulations have been rewritten to meet the First Amendment scrutiny.
- Ongoing in Federal Court, the Briner's case is still in the 6<sup>th</sup> District Court of Appeals. Their brief was due December 17<sup>th</sup>, the City of Ontario's is due January 16<sup>th</sup>, and then they will have time for a reply brief on January 30<sup>th</sup>.
- A motion for summary judgment was filed at the end of December on the Cline, Rush, Boales cases that are in Federal District Court that came out of the ASORT and other police actions.

## OTHER REPORTS

Mrs. Stoodt provided Council members with a copy of the 2008 Treasurer's Year End Report then highlighted several areas.

- Last Monday 3,104 postcards were mailed to Ontario residents advising them taxes are due on April 15<sup>th</sup> and that income tax forms can be picked-up at the local Post Office, the Library, the Administration Building, or mailed upon request. This system was successful last year and saved printing costs, postage and labor.
- Income Tax collected for 2008 was \$3,730,971 which is down \$ 36,908 from last year. \$65,793 was refunded this year.
- Income Tax Administrator Sallie Neal continues to work on Short Tip collections which are up \$181.37 over last year for a total collection of \$1,929; five individuals are making monthly income tax payments dating back to 2004; DNF (Did Not File) letters are sent to everyone who does not submit a tax refund and that number is down to 76; five Ontario companies are not withholding taxes to the City but this is currently being addressed; of the 21 individuals who were summoned into court for non-payment of taxes, 20 paid before their court date totaling in \$2,123 and one person has not been located; four court cases are pending.
- Identifying residents continues to be a problem but with the help of the Zoning Inspector and the Water Clerk progress is being made.
- Water/Sewer rent and Water/Sewer taps are down from the previous year.
- A paragraph has been added to the Water System By-Laws & Regulations stating residents turned over to collection for non-payment are responsible for any costs incurred by the City. This can only be enforced if the appropriate form is filled out; the form was included with the current water bills.
- Presently there are \$7,200 outstanding in water bills to turn over to collections but the City will be responsible for the 35% recovery fee.
- Mrs. Stoodt is working with an attorney to pursue a Utah based company that left a \$2,000 outstanding water bill.

### Investments and Interest

- The City owns 15 CDs locally for a total investment of \$5,314,557.23.
- The City earned \$40,112.03 more interest in 2008 than in 2007.
- CDs will mature in 2009 with a decrease in rates anticipated.
- The Money Market at Huntington Bank decreased from 4.514% in January to .66% in December.
- The Sweep account currently earns .15% for an average of \$1.00 to \$3.50 daily interest when previously the account earned \$100 per day.

### Miscellaneous Figures

- Fifty false alarms were billed by the Police Department for \$750.
- Scrap metal and paper taken to Milliron resulted in \$8,388.22; \$5,019.48 was the copper roof from the Administration Building.
- Finger printing charges were \$480.
- Occupancy Tax for 2008 increased \$1,073.07 over 2007.
- Rent from the Community Room gained \$940, Marshall Park pavilion rentals earned the City \$3,325, while a one time rental of the baseball fields brought in \$400.

Mrs. Thomas felt most of the \$9,747.40 write off for past due water/sewer bills was due to bankruptcies.

In response to several of Mr. Weidemyre's questions, Mrs. Stoodt said:

- A withdrawal was made from the reserve money, which was a line item for capital improvement, to pay off the obligation for the water tower.
- This year there are 15 CDs compared to 13 last year. Mrs. Stoodt reduced some of the funds United Capital was investing for the City in order to take advantage of a high interest rate resulting in additional monthly revenue into the City rather than remaining with United Capital and roll-over.
- She is taking care of the unbalanced checkbook problem that resulted in a fine from the state.

### **PUBLIC HEARINGS**

Council addressed three rezones for properties on the south side of Lexington Springmill from R-1 Low Density Residential District to OS Office Service District.

The first public hearing was to address the rezone request for property owned by Larry Merwine, Darryl McGinty, Carolyn Caudill, Williams and Candy Hamilton, Arvin and Mary Stewart, and Joyce Steiner, located on the south side of Lexington Springmill from R-1 Low Density Residential District to OS Office Service District. (Ordinance No. 09-01)

Mr. Metzger opened the public hearing at 7:47 p.m.

Jill Knight, 28 Creston Road, was first to approach Council to say: I am against this rezone. I spoke several times but to reiterate some of the reasons why, with having businesses in your back yard you hear the garbage trucks come, it's a lot different than the garbage on your street. You hear them pick up the 6 or 8 yard dumpster, clang it, and they've got the back-up bells and whistles on the truck when they're leaving the parking lot, is one issue. The drive-thru at the bank, our windows rattle when the people come through the ATMs with their boom boxes or their bass or whatever they have. You can hear that inside even in the winter. The windows rattle because of the noise. When it was Honey Puff Café you could hear the drive-thru in the morning at 5:30, "can we take your order"; you don't want to hear that every morning. I would like to see the office space north of Park Avenue. I think that's where the businesses are and if you have a business you want to be in the area that's heavily traveled. Traffic would be another issue, in and out. Sometimes it's even hard to get out of Princeton or Kingston going south onto Lexington-Springmill trying to cross over the traffic, yet alone if you're a business you're going to have that hardship of customers getting in and out of your place. Also, as we go up the street to the second one owned by Heidi, she owns the property on Creston Road, so if a building was put in there, she could have access on Creston Road and that would be an additional cut-thru traffic. We have that issue too, with the cut-thru's, which has been talked about numerous times. Also, as the Mayor said, the vacant buildings add vandalism and theft to the community. The more that is zoned OS, and not Residential, you are going to have the opportunity for vacant buildings and additional theft, especially in the residential area when your house backs up to those office buildings or whatever it may be. I'd like you to keep that in mind. I don't know how many of you live by an OS that would have some of these issues you would have to deal with on a daily basis. I would hope you would consider not rezoning that and not keep trickling up S. Lexington-Springmill, let's keep it north of Park Avenue.

Brenda Leeman, 145 S. Lexington-Springmill, was next to come before Council: I live next to where the rezoning stops that they're going for. I have a business in the home at that location and I know we talked about there are properties in this area that are vacant but as our manufacturing goes down you're going to need small business to come in. When I looked in this area to try and rent a place, because I own a small business in Mansfield, they told me I had to pay \$2,000 a month in rent, I can't afford that as a small business. I chose to buy a home and have a business in the home to get into the Ontario market or to have a place to do business out of. I still have a business downtown in Mansfield, GM and some of the other manufacturers are slowing down or are going to be sold off so you will need a small business to come in and help keep Ontario up. I'm not necessarily against it, I'm just here more for information. Can you explain to me what type of business can go in Office? Having a business on Lexington-Springmill and not being able to have a sign out at the road, I am probably helping create a traffic jam because they are trying to find me and they can't. If you go down Lexington-Springmill during tax season they will be trying to find my location and I didn't know if I can apply for a temporary sign or something that would help during that time.

Mr. Lewis read the list of permitted businesses in an OS District and Mrs. Thomas read the list of conditionally permitted uses which have to get approval from Planning Commission.

Jim Liette, 38 Creston Road, approached Council to say: I live behind Luigi's and diagonally behind Vacuum World and Health Source. These buildings looked like residential homes when I moved in. Now, six years later they look like business with all the drawbacks. These businesses are not concerned with some of their own property care, yet alone what inconveniences this lack of care has on their neighbors. They have no regard for City ordinances and promises made to the residents and to this Council as to how that property would be maintained. Basically, City code and maintenance agreements are not upheld. The proof is viewed from my back yard. Cone of light still crosses property lines. In fact, Health Source's 20-foot light without a shield that faces my house and turns on at 5 a.m. lights the walls inside my house. Trash cans at Health Source that are not fenced are also an eye sore. Luigi's greenbelt has lost half of its trees and has not been replaced in two years. They agreed to maintain this greenbelt in front of this Council. Their open trash dumpster without a closing fence has brought varmints through our yards. In addition, Luigi's has not cut their grass since June and was over 12 inches tall at the end of the mowing season. I've had vehicles parked on my property line, trash in my yard, and strangers roaming around behind my arborvitaes letting their pets urinate. This is the result of these wonderful parking lots that benefit the office based property and invade the privacy of the neighbor. For example, trash trucks emptying dumpsters in those parking lots usually around 6 a.m., today it was 6:11, listening to that dumpster rattle as its being shook at that time of the morning is not something normal for a residential neighborhood. Is this what the property owners next to these office based properties can expect if business moves in? Once business becomes interested in these newly rezoned properties, demolition, reconstructed buildings and parking lots will proceed. Lastly, to the residents seeking rezoning, if you are not fortunate enough to have business interested in your property, but your neighbor is, is this what you would want next to you? Thank you.

Barry Lewis, 2070 Princeton Street, shared his concerns with Council: On October 8<sup>th</sup>, Mr. Merwine, who bought the house at 69 S. Lex-Springmill, this house went up for auction and myself, Mr. Weidemyre, along with numerous other people were at that auction, Mr. Merwine told us when questioned about what he was going to do with the property, he told us he was going to rent it as a single family dwelling, residential. On October 8<sup>th</sup> he went to the Planning Commission and wanted it rezoned and went on to explain he was going to put a real estate office and insurance office in there together. He has done some work on the place, he had a basement wall replaced and a new City water line put in to the residence which it didn't have before. Since then, he's done nothing to the property. There's an upstairs window on the north side of the house that's been opened for the last three months as of yesterday, and with all of the rain, wind and weather we've had I bet that looks nice on the inside. On that October 8<sup>th</sup> meeting, Mr. Au commented, due to the current economic times, this is out of the Planning Commission meeting, everything should be done to encourage business in this area. He talked about those homes would be nice places to make businesses. My problem with that is, and I have a list if anyone who would care to look at it, there are twenty small and large buildings

that are vacant between Princeton Street, August Drive on the north, Briggs Drive on the east, and the Wal-Mart Plaza on the west. I'm almost positive there are twenty-two now, but at the time I took the survey there were twenty. I would be more than glad to give you the addresses of those places. Some of those are small places in the shopping center where there are little places that have a 14 or 15 foot opening where the walls are 15 feet wide. Other places, you have big places, Steak and Shake, the supermarket at the corner, there's all sorts of businesses that are empty sitting there that would be better served if we had them move there instead of ruining an R-1 residential neighborhood. After everything was said and done over this period since October 8<sup>th</sup>, there just doesn't seem like anybody cares. They talk about how they are going to benefit these people that are buying or want to sell their properties or put their properties to Office Service, but who's looking out for the people on Creston Road? There are seven, just from the corner of Creston to Princeton, single family dwellings owned by the people that live there. Now, all of those properties are in jeopardy because every one of their backyards dump into these places that they want to change to Office Service. I don't think it's a good idea and instead of having to go through this all over again, the same thing goes for the property at the corner which is the other one that's on the agenda for tonight. Mr. Sheldon's property at the corner of Princeton and Lex-Springmill is a rental property. The other property on S. Lex-Springmill belongs to Heidi Thew, that's a rental property. Those are both in the middle of R-1 Residential area, the same as the six. The other thing that bothers me about this is the City solicited these people to change, not the two, Sheldon's or Thew's, but the other six houses were solicited by the City to do this rezone. Only one person asked for a rezone and that was Mr. Merwine, the rest of the people were solicited by the City with letters asking them. The letter left a lot to be desired, it left somebody thinking maybe these people could sell their property and make some money, it didn't say anything about what they were going to do with the properties behind there and what the values of those properties were going to have happen to them if Office Services or Businesses went in on Lex-Springmill. Thank you.

David Gordon, 120 S. Lexington-Springmill, approached Council to say: I've been in Ontario around 60 years and I've been on Lexington-Springmill for over forty-two years. I've probably been hurt property wise more than anyone on Lexington-Springmill. They changed my property when the road was widened, they raised my driveway which causes all kinds of problems, if you don't believe that, come down tonight or tomorrow and go down my driveway. The main thing is, I agree with the people that have been against this, I agree with Mr. Lewis. One thing I was wondering is, why did the City solicit this change to six properties, I've never heard that before. If you're going to rezone on the east side you might as well rezone all the way to the City limits, both sides. In closing, I just want to say that I am opposed. Thank you.

Mr. Zeiter responded to Mr. Gordon, no one from Council solicited these rezones. That was a letter that I haven't seen, it came from Planning Commission which is completely independent of this body. When Mr. Lewis said the City, it wasn't this part of the City.

Mr. Strickler stated, they asked those people if they were interested while they were in the process of evaluating, there was no statement about getting more money for the property, I don't know where he got that idea, we simply asked if they wanted to be included within the rezone request that was before the Commission.

Mr. Zeiter asked, if they weren't solicited were they charged the same \$150 fee from everybody else. When Mr. Strickler responded that they did not collect the fee, Mr. Zeiter said in his opinion that would be a solicitation or a freebie from the City. Mayor Bender added, the City has the option to look at any properties for consideration of rezone. In this instance, when the original request was given to the Planning Commission they wanted to clean-up that area, bring it up to Princeton so everything across the street from Wappner Funeral Home north on both sides of Lex-Springmill would be zoned OS. Planning Commission wanted to look at the whole block up to Princeton, rather than just give one rezone they wanted to look at the whole area. Mr. Zeiter felt there should have been more communication between Planning Commission and Council before moving forward with this rezone request to avoid the work and turmoil that was created.

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Mr. Lewis read from the minutes of the Planning Commission meeting held on November 12<sup>th</sup>. Mr. Au felt this would benefit the local economy by bringing in more business and the rezone would add value to the properties. Mayor Bender and Mr. Strickler said that was not in the letter, the letter referenced only if they wanted to be considered in the rezone request.

Larry Merwine, purchased the home at 69 S. Lexington-Springmill Road, made the following comments to Council: First, I would like to address Mr. Lewis, he was there the day of the auction. I have a lot of rental properties and I was going to buy that property as a rental property, it's a nice location and Ontario Schools, we all know are good schools. I have a contractor who works for me and he looks at all of the properties and decides what we're going to do, if we're going to increase the bedroom size or change the floor plan. He came to me after I bought the property and said it would be a great idea to put your office here. We simply changed our mind. After the first Planning Commission, Mr. Lewis caught me outside and called me a liar. The fact is, I just changed my mind. In America, we're allowed to change our mind. But, I didn't misrepresent anything and I'm sure everybody here would like to have the right to change their mind if they want to do something different, it was just a simple change. Since then, I've been going through your City process, two Planning Commissions and now I'm here tonight, so the property is in limbo. If I'm going to make that property an office, I'm going to remodel it, change the siding, remodel the inside, but if it doesn't go through it's going to be a rental property and I'm going to paint it, put carpet in, and put a sign out front. The property is in limbo because I can't really do anything until we decide what we're going to do here tonight. The office business that you mentioned, the Office Service, those are businesses that are usually 9 – 5. I don't see where there is going to be a lot of traffic or increased traffic in that area, we're not going to have dumpsters or drive-thru windows, it's just going to be low traffic, a few customers come in a day. I'm not going to create any more traffic on Lexington-Springmill because I have an office on Village Mall Drive, they drive down Lexington-Springmill to get there anyway. I've been in business here in the City for twenty years. We don't have the luxury, as the girl mentioned, we don't have the luxury here in Ontario like we do on Lexington Avenue where you have residential and businesses in harmony together. We have a lot of residential areas but there's no business, there's no office space. It's expensive to rent office in Ontario and I'd like to just own an office. We are going to improve the property and we will make it nice. The problems you've talked about with pets and other residents, you're going to have the same noise and problems that you would with a tenant in that property. We don't have pets at our business, we just have customers. I would just ask that you would consider that. You kind of made my point tonight when you talked about decreasing revenues. We all know that small business is the future of the country and Ontario is a great place to live and have a business but it's not immune to some of the economic conditions that we see across the U.S. As the big corporations continue to down-size small businesses are going to pop up because people lose their jobs, they start their own business, it's the American dream. I think that rezoning some of the areas, not just that area, but some of the other areas in Ontario would create more opportunity for the citizens. I would just also say that as revenues decline and certificate of deposit interest rates decline, it seems to me that the citizens are going to end up footing a bigger bill for the services that we have here in the City. I would still think that the citizens would consider having more and more business come into the City to foot that bill and carry that burden. I would hope that you would consider changing that to Office Service. Thank you.

Michael 'Tony' Duncan came forward to say: I've lived in Ontario close to thirty years. I've known the Council President a long, long time. I'm here tonight to say my opposition to this rezone that's being planned. I can not see any good in this. Over the thirty years I've lived in Ontario I have seen changes, some good, some bad. Creston Road right now is a cut-thru, it's going to be nothing but worse. Mr. Lewis, I do not envy you if this goes through, sitting on a corner lot I can see people coming in that way and then coming up on Princeton and coming through. I think for reasons that have already been stated that I would just like to say that I oppose this whole-heartedly and I hope that this does not pass. Thank you.

Hearing no one else who wished to speak, Mr. Metzger closed the Public Hearing at 8:14 p.m.

Mr. Metzger reminded Council members that Planning Commission recommended in favor of this rezone (Ordinance No. 09-01) but did not recommend the next two rezone requests (Ordinance No. 09-02 and 09-03).

The second public hearing was to address the rezone request for property owned by Heidi Thew, located on the south side of Lexington Springmill from R-1 Low Density Residential District to OS Office Service District. (Ordinance No. 09-02)

Mr. Metzger opened the public hearing at 8:15 p.m.

Brenda Leeman, 145 Lexington-Springmill, returned before Council to say: My question is, yes, there may be twenty empty spots but at what cost can I rent an office space? When I checked into the small 15 wide on Park Avenue they told me \$2,000 a month. I can't afford that. There may be some spots but you tell me what the cost is of those spots.

John Thew, 4627 PAW, came forward to say: My wife and I became aware this rezone was being looked at when the original six were brought up. I've heard good arguments for both sides. I do own 135 Lex-Springmill, we still own 136 Creston; someone brought up a cut-thru through there, that could not happen because there is a residence on Creston. You'd have to actually lose a house to put a drive-thru through. I also own two properties to the north of that which I sold, which would be north of our property on Creston. Being a property owner over there and the one house that we use as a rental on Lexington-Springmill, it's not a difficult place to rent, however, the biggest thing is it's a four bedroom house and people with kids like four bedroom houses but they can't play in the front yard. Why? Because there's a hill going right down to Lexington-Springmill. They'd have to stay in the back yard or on the side yard to play. I've heard both sides and see both sides of the story but if you have a property that's residential that has a chance of going commercial where I could actually build an office space myself there, because I do own several rental areas, you can get more rent as my neighbor plainly said, you can get up to \$2,000 a month for a 15 sq. ft. area compared to the rent that we generate off of a single family home. As Council looks at this you're going to have to look at a map, you can't go too much farther north until you hit Shelby, you can't go to the east because you're going to run into Mansfield that only leaves to the west and to the south. As you're looking at it, if you decide to do the six, if you're going to rezone them, and you're going to keep stepping these processes out, doesn't it make more sense to do it now, or to keep doing it in steps? How many steps does this want to go through? That's the only thing I was looking at when I decided to come to the meeting tonight. I did speak at the Planning Commission also; I did pay my money and I spoke there also. Thank you for your time.

Hearing no one else who wished to speak, Mr. Metzger closed the public hearing at 8:20 p.m.

The third public hearing was to address the rezone request for property owned by Steven Sheldon, located on the south side of Lexington Springmill from R-1 Low Density Residential District to OS Office Service District. (Ordinance No. 09-03)

Mr. Metzger opened the public hearing at 8:21 p.m.

Calling all names listed on the sign-in sheet and hearing no one who wished to speak, Mr. Metzger closed the public hearing at 8:22 p.m.

## **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 08-34**

(THIRD READING) AN ORDINANCE AMENDING ORDINANCE 08-08 KNOWN AS THE 2008 WORKING ORDINANCE, FOR THE CITY OF ONTARIO.

Mr. Williams read Ordinance No. 08-34 for the third time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 08-34. Mr. Lewis seconded the motion. Mr. Williams commented that due to the current situation with finances in Ontario he didn't feel it was fair to taxpayer's to pay for health care for Council members who are not full time and urged Council members to vote against this ordinance.

One member cast their vote Aye, four Nay votes by Mr. Williams, Mr. Zeiter, Mr. Blackwell, and Mr. Cinadr, one Abstain by Mr. Weidemyre, and Ordinance No. 08-34 failed.

#### ORDINANCE NO. 09-01

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

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 09-01 on three separate days. Mr. Williams seconded the motion. Three members cast their votes Aye, three Nay votes by Mr. Zeiter, Mr. Lewis and Mr. Cinadr, and the motion to suspend the rules failed. Mr. Zeiter read Ordinance No. 09-01 for the first time, by title only.

#### ORDINANCE NO. 09-02

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

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 09-02 on three separate days. Mr. Weidemyre seconded the motion. Two members cast their votes Aye, four Nay votes by Mr. Williams, Mr. Zeiter, Mr. Lewis and Mr. Cinadr, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 09-02 for the first time, by title only.

#### ORDINANCE NO. 09-03

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

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 09-03 on three separate days, Mr. Weidemyre read Ordinance No. 09-03 for the first time, by title only. Mr. Weidemyre explained to the audience the rezone ordinances were not being voted on but held to a reading and will be voted on at a future Council meeting.

At 8:26 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. Blackwell. 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