

February 19

2009

Ontario City Council met in regular session on February 19, 2009 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:03 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Dan Zeiter, Charlotte Hellinger, Leon Blackwell, Mark Weidemyre and Barry Lewis; Mr. Metzger; Law Director Rebecca Thomas; Mayor Kenneth Bender; Service/Safety Director Charles Au; and Clerk of Council Cathy VanAuker. Also in attendance were Director of Engineering Jerrod Swinehart, Auditor Nancy Morehead, and Treasurer Linda Stoodt. A number of interested citizens were present in the audience.

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

The minutes of the regular Council meeting of February 5, 2009 were presented for approval. Mr. Williams made a motion to approve the minutes and Mrs. Hellinger seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

#### **PUBLIC COMMENTARY**

Larry Arnold, 2385 Whitney Avenue, came before Council to say: I'll defer most of the comments to the Chairman of the Charter Commission. I was a member of the Charter Commission that was chartered the first part of January and I just want to take a quick moment to acknowledge the members of Council and all of the participants who came out to the Charter meetings that we had sometimes once or twice a week. I want to thank Law Director Thomas and many of the Council members that came out and provided their input, as well as members of the police that came out and provided their input and several of the citizens. We did select Counsel Reese Mills, who's with us this evening, and Steve Grassbaugh, both of those gentlemen were a great support and I wanted to publicly thank them and acknowledge them for their support. I'll defer the rest of the comments to Jim.

Jim Henry, 1129 Lewis Road, was next to come before Council. Thanks first and foremost on behalf of the Charter Commission for giving us the opportunity to serve the citizens, to draft a Charter. You have received a copy of it and most of the citizens will soon be getting a copy of it. I would like to read a memo into the minutes.

The voters of Ontario have indicated their desire to have more control through and over their local government by electing that a Charter be drafted at a near two-to-one margin in November 2008 and by electing a Charter Commission to create the document. Therefore, this elected Charter Commission has developed a Charter for the City of Ontario. This Charter is designed to encourage cooperation between all government entities. This Charter is designed to give more control to the voters through the powers to vote on important issues, and through new powers granted to their elected Council. This Charter Commission has created this document in good faith and without prejudice, for the betterment of the Ontario community. We are grateful to the Citizens of Ontario for the opportunity to provide this Charter for their consideration.

We, the Charter Commission, unanimously request Council to pass the ordinance before you tonight that will allow the Board of Elections time to place the Charter on the May 2009 ballot for the people of Ontario to consider. As this Charter modifies our current government, we are asking to have this Charter offered to the voters of our City on the May, 2009 ballot so that the November, 2009 ballot properly reflects the available offices and governmental structure should the Charter be approved. If approved in May 2009, this Charter will then provide Ontario voters opportunity to make more educated decisions in the November 2009 election. The citizens deserve an opportunity to consider this Charter for our City without delay.

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We, the Ontario Charter Commission, ask Council tonight, considering the ordinance before you that places the newly created Ontario Charter onto the ballot, to suspend the rules requiring three readings and to pass the ordinance and to declare it an emergency, to be effective immediately. Thank you.

Next to stand before Council was Fred Kohler, 1482 Lex-Springmill Road, who said: First of all I would like to see if there are any questions about what we're asking for and why we want an emergency. Obviously, there are deadlines with the election office and that is why we'd like to have you vote on it tonight with an emergency. The other thing I would like to do is extend an invitation to Council and anyone in this room who would like to attend the meeting on Monday night, it is a Charter meeting that will be held here at 6:30 p.m. Some of what we will discuss in that meeting will depend on your vote tonight but it is a Charter meeting and we will try to complete the process. It will be held in the Community Room.

Mr. Metzger advised Council members that because Mr. Cinadr is absent it will take all six yes votes to suspend the rules and make it an emergency.

Tony Warholic, representing Richland Engineering Limited, spoke before Council: There is a resolution on the agenda tonight for miscellaneous engineering services. I'm here tonight to assure the City and the Council that Richland Engineering Limited is very interested in the passing of the ordinance. We are capable of providing the engineering services that are requested of the ordinance. Richland Engineering has a very long standing history with the City of Ontario, I believe it goes back over forty years and during that timeframe we have provided a multitude of engineering services. We have been and we continue to have capable and qualified people to provide the services of the resolution. Most recently our involvement with the City has been somewhat limited. I am here tonight to assure you that we are interested in continuing to provide engineering services for the City of Ontario. We appreciate the opportunity and we look forward to working with the City again on whatever issues may arise. Thank you very much.

## **COMMITTEE REPORTS**

Mr. Zeiter reported on the joint Personnel and Finance Committee meeting held February 9, 2009, to review the budget that is on this evening's agenda, Ordinance No. 09-08. After a lengthy discussion the consensus was to not make any additional adjustments to the budget and it will be presented in its original form. As previously agreed upon they will meet quarterly, with the next meeting in April, to adjust the budget as necessary to stay in line with the receipts. Mr. Zeiter commended everyone on the Charter Commission for their time and hard work in completing the Charter in such a short time.

Mrs. Hellinger acknowledged those on the Charter Commission for all of their work and how quickly they completed the Charter.

Mr. Blackwell commented on the Personnel Committee meeting held in conjunction with the Finance meeting. An executive session was held to discuss personnel matters. Mr. Blackwell also thanked the Charter Commission and was impressed at how they worked.

Mr. Weidemyre commended the Charter Commission and urged fellow Council members to suspend the rules and give the voters an opportunity to vote on the Charter in the May primary. He reiterated that passage of this ordinance will require all six votes and that it is best for those running for offices in the fall to know what offices are available. Mr. Weidemyre recognized former State Representative Tom Collier who was present in the audience and spoke at the recent Ontario Growth Association banquet.

Mr. Lewis scheduled a Safety Committee meeting on March 5, 2009 at 5:45 p.m., to discuss the request for a Springfield Township Fire Inspection Program.

Mr. Williams had no report this evening.

**MAYOR'S REPORT**

Mayor Bender presented the following report.

- The \$787 billion Federal Stimulus Program was passed which included \$311 billion for spending programs with \$114 billion reserved for infrastructure. All interested groups are encouraged to submit shovel ready projects for distribution of funds to stimulate the economy. Ontario has approximately twenty short and long range projects worth over \$30 million to submit to this program.
- A meeting took place last Thursday pertaining to the paving of PAW and St. Rt. 309. The state provides 80% of the funding for this project. Tentatively, bids will be January 2010 with preliminary construction to begin in March. The City will continue to patch these roads until paving begins.
- Appreciation was extended to the Charter Commission members for their diligent work on the Charter which was a monumental task.

When Mr. Weidemyre asked if it was possible for PAW to become four-lane, Mayor Bender responded that ODOT will only pay for paving down to 2" and they will not participate in any improvements.

**SERVICE/SAFETY DIRECTOR'S REPORT**

Mr. Au had no report.

**LAW DIRECTOR'S REPORT**

Mrs. Thomas had no report.

**MISCELLANEOUS MATTERS**

Mr. Metzger thanked the Charter Commission for completing the document so quickly.

Mr. Henry stated the Charter must be submitted to the Elections Board not less than sixty days prior to the election. Mrs. Thomas said the deadline is 4:00 p.m. on March 5, 2009.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****RESOLUTION NO. 09-01**

(SECOND READING) A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH K.E. MCCARTNEY & ASSOCIATES, INC. FOR MISCELLANEOUS ENGINEERING SERVICES.

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

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## RESOLUTION NO. 09-04

(SECOND READING) A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING FOR MISCELLANEOUS ENGINEERING SERVICES.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Resolution No. 09-04 on three separate days. Mr. Zeiter seconded the motion. Four members cast their votes Aye, two Nays by Mr. Williams and Mr. Weidemyre, and the motion to suspend the rules failed. Mr. Zeiter read Resolution No. 09-04 for the second time, by title only.

## ORDINANCE NO. 09- 05

(SECOND READING) ORDINANCE REZONING PROPERTY NORTH AND SOUTH OF FERGUSON ROAD BETWEEN STUMBO ROAD AND FULWELL DRIVE FROM R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO R-1 LOW DENSITY RESIDENTIAL DISTRICT.

Hearing no motion to suspend the rules, Mrs. Hellinger read Ordinance No. 09-05 for the second time, by title only.

## ORDINANCE NO. 09-06

(SECOND READING) AN ORDINANCE REZONING PROPERTY 2200 FERGUSON ROAD FROM B BUSINESS DISTRICT TO R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Hearing no motion to suspend the rules, Mr. Blackwell read Ordinance No. 09-06 for the second time, by title only.

## ORDINANCE NO. 09-07

(SECOND READING) AN ORDINANCE REZONING PROPERTY 2248 FERGUSON ROAD AND THE ADJACENT 4.929 ACRE CITY OWNED STOWELL PARK FROM R-3 HIGH DENSITY RESIDENTIAL DISTRICT TO R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Hearing no motion to suspend the rules, Mr. Weidemyre read Ordinance No. 09-07 for the second time, by title only.

## ORDINANCE NO. 09-08

(SECOND READING) AN ORDINANCE ESTABLISHING PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND EXPIRING DECEMBER 31, 2009.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-08 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 09-08 for the second time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 09-08. Mrs. Hellinger seconded the motion. Hearing no discussion, five members voted Aye, one Nay by Mr. Weidemyre, and Ordinance No. 09-08 was adopted.

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## ORDINANCE NO. 09-09

(SECOND READING) AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE, FOR 2009 BY MAKING ADDITIONAL APPROPRIATIONS TO THE ENTERPRISE FUND AND SPECIAL REVENUE FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-09 on three separate days. Mr. Zeiter seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Ordinance No. 09-09 for the second time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-09. Mr. Zeiter seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Weidemyre and Ordinance No. 09-09 was adopted.

## RESOLUTION NO. 09-06

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO PURCHASE A PRE-OWNED 4 DOOR UNMARKED SEDAN FOR THE CITY OF ONTARIO POLICE DEPARTMENT.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-06 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. Zeiter read Resolution No. 09-06 for the first time, by title only.

Mr. Zeiter made a motion to adopt Resolution No. 09-06. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and Resolution No. 09-06 was adopted.

## ORDINANCE NO. 09-10

AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE, FOR 2009 BY MAKING ADDITIONAL APPROPRIATIONS TO THE TRUST AND AGENCY FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-10 on three separate days. Mrs. Hellinger seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 09-10 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 09-10. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 09-10 was adopted.

## ORDINANCE NO. 09-11

AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRANSPORTATION AGREEMENT BETWEEN THIS CITY AND THE RICHLAND COUNTY TRANSIT BOARD FOR THE YEAR 2009 AND DECLARING AN EMERGENCY.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 09-11 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, one Nay by Mr. Williams, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 09-11 for the first time, by title only.

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## ORDINANCE NO. 09-12

AN ORDINANCE AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO PURCHASE ONE (1) 2009 CHEVY IMPALA FOR THE CITY POLICE DEPARTMENT THROUGH THE DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROCEDURE.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-12 on three separate days. Mr. Zeiter seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 09-12 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 09-12. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 09-12 was adopted.

## ORDINANCE NO. 09-13

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF THE QUESTION OF THE ADOPTION OF A CHARTER TO THE ELECTORS, AND THE DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 09-13 on three separate days. Mrs. Hellinger seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 09-13 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-13. Mrs. Hellinger seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 09-13 was adopted.

At 7:35 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Blackwell and a second by Mr. Williams. 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