

Regular

March 5

2009

Ontario City Council met in regular session on March 5, 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, Charlotte Hellinger, Leon Blackwell, Mark Weidemyre, Barry Lewis and Joseph W. Cinadr; 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, Treasurer Linda Stoodt and Zoning Inspector Dallas Strickler. A number of interested citizens were present in the audience.

The minutes of the regular Council meeting of February 19, 2009 were presented for approval. Mr. Lewis made a motion to approve the minutes and Mr. Williams seconded the motion. At roll call, six members voted Aye, zero Nay, one Abstain by Mr. Cinadr, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Tim Hambly, 838 Lohr Road, representing the concerned citizen's coalition and APWU (Postal Worker's Union) came forward to ask the City of Ontario to adopt a resolution supporting their cause of opposing the postal service moving mail processing from Mansfield to Akron or Cleveland. Information packets were distributed.

Mr. Hambly responded to questions:

- They are going to contact elected officials. Sherrod Brown wrote a letter of support, Bob Latta has requested a GAO study, and they are asking for a second opinion on the feasibility study to make sure it is in the best interest of the public.
- Twenty to twenty-five jobs would be affected. Temporary employee positions would be eliminated first, then they would go to the accessing procedures which they are currently accessing up to 150 miles so there would not be any place to send employees.
- They want to inform the public and maintain standards; rates are increasing two cents on May 11th. If the mail is moved to Akron or Cleveland it will cause delays which means less service but paying more.
- Eliminating Saturday mail has been addressed but Senator Collins said it would drive away business. The postal service is not a business, it is a service.

Mr. Hambly explained how Ontario could pursue obtaining a zip code by petitioning the postal service for this area, which is Cleveland, along with the elected officials. Ontario should be able to accomplish getting a zip code with the support of Congressmen and Representatives. Mr. Cinadr previously discussed getting a zip code with the local postmaster and his staff.

Council members unanimously agreed to have a resolution prepared opposing the relocation of the mail services from Mansfield to Akron or Cleveland.

COMMITTEE REPORTS

Mr. Blackwell scheduled a Personnel Committee of the Whole meeting on March 17, 2009 at 5:00 p.m. This will be a follow-up to the executive session meeting held on February 9, 2009.

Mr. Lewis reported on the Safety Committee meeting held earlier this evening to discuss fire inspections conducted by the Springfield Township Fire Department. Members of the Fire Department distributed sample information on a permit and fee schedule. Once they determine which code to use they will prepare a document to present before Council.

Mr. Cinadr congratulated and thanked Charter members for their hard work in preparing a Charter for the ballot.

Regular

March 5

2009

Mr. Zeiter, Mr. Williams, Mr. Weidemyre, and Mrs. Hellinger had no report this evening.

MAYOR'S REPORT

Mayor Bender presented the following report.

- Approval was received for a \$35,000 safety funding for the extension of the west-bound left-turn lane on St. Rt. 309. This recommendation was the result of a safety survey along the Lex-Springmill corridor. This could possibly be 100% funded.
- Paving for PAW and St. Rt. 309 is scheduled to go out for bid in January 2010.
- Street paving bids came in below the estimate for the paving of Rock Road north from PAW to the city limits, Lex-Ontario Road south of PAW to the city limits, and Old Oak Trail by the golf course on Walker Lake Road. Paving should begin in June.
- Five submittals, totaling over \$8 million, have been submitted for the Stimulus Fund Program.
- The top two intersections in Richland County for high crash locations are in Ontario. However, significant improvements have been made on all roadways. Three of the thirteen intersections in Ontario went up in ranking but ten were lowered.
- Daylight Saving Time begins this Sunday, March 8th.

Mayor Bender read and presented two Proclamations. Millie Torres, along with others representing Multiple Sclerosis Awareness Month, came forward to receive the Proclamation.

MULTIPLE SCLEROSIS AWARENESS MONTH

Whereas, Multiple Sclerosis is a chronic, often disabling disease that attacks the central nervous system in which the progression, severity and specific symptoms cannot be foreseen. The unpredictable physical and emotional effects can be lifelong; and

Whereas, Most people with Multiple Sclerosis are diagnosed between the ages of twenty and fifty, in the prime of their life, and this disease affects their families, jobs, earning potential, tax dollars, with more than twice as many women as men contracting the disease. It is important for the general public to broaden their awareness about what it means to live with Multiple Sclerosis and to better understand the complexities that come with living with such an unpredictable disease that strikes a new person virtually every hour in the United States; and

Whereas, Multiple Sclerosis affects more than 18,000 people in the State of Ohio, 400,000 people in the United States and 2.5 million people worldwide; and

Whereas, Advances in research and treatment are giving hope to those affected by the disease through donated research dollars.

Now, Therefore, I, Kenneth A. Bender, Mayor of the City of Ontario, Ohio, do hereby proclaim March 2009, as:

MULTIPLE SCLEROSIS AWARENESS MONTH

In the City of Ontario and urge all citizens to join me in support and recognition of the National Multiple Sclerosis Society to raise funds for this worthwhile effort.

In witness whereof, I hereunto set my hand and caused the seal of the City of Ontario to be affixed this fifth day of March, in the year of our Lord Two Thousand and Nine.

Kenneth A. Bender, Mayor

Regular

March 5

2009

Millie Torres spoke on behalf of those afflicted with Multiple Sclerosis and the importance of educating the public about the insidious disease.

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Whereas, the more than 1,900 individuals served annually by Richland Newhope, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

Whereas, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and

Whereas, policies must be developed, attitudes must be shaped, and buildings and organizations must be designed to ensure that everyone has a chance to live independently as full citizens in our community; and

Whereas, we encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment, and recreational activities; and

Now, therefore, I, Kenneth A. Bender, do hereby proclaim March 2009 as:

Developmental Disabilities Awareness Month

and recognize that people with developmental disabilities are "just like you." Please take the time to get to know someone with a disability and see what he or she has to offer.

In witness whereof, I hereunto set my hand and caused the seal of the City of Ontario to be affixed this fifth day of March, in the year of our Lord Two Thousand and Nine.

Kenneth A. Bender, Mayor

Carla Rumas, Director of Physical Therapy with Richland Newhope, accepted the Proclamation and thanked the community for their recognition and continued support.

When Mr. Weidemyre asked if there will be any improvement to the right-turn lane in front of Taco Bell, Mayor Bender responded that it is a poorly designed corner. He didn't think there was stacking ability and a continuous right turn would interfere with the flow of traffic on Lex-Springmill Road. Perhaps when the new Taco Bell is built it will relieve some of the problem.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

Regular

March 5

2009

Mr. Weidemyre asked if a resolution could be prepared supporting the Ontario zip code. Mr. Metzger interjected that could be added to the other resolution and they will look into sending a petition to the proper representatives and to the Cleveland office.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 09-01

(THIRD 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 read Resolution No. 09-01 for the third time, by title only.

Mr. Williams made a motion to adopt Resolution No. 09-01. Mr. Cinadr seconded the motion. Hearing no discussion, three members voted Aye, four Nays by Mr. Zeiter, Mrs. Hellinger, Mr. Weidemyre and Mr. Lewis, and Resolution No. 09-01 failed.

RESOLUTION NO. 09-04

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

Mr. Zeiter read Resolution No. 09-04 for the third time, by title only.

Mr. Blackwell made a motion to adopt Resolution No. 09-04. Mr. Cinadr seconded the motion. Hearing no discussion, two members voted Aye, five Nays by Mr. Williams, Mr. Zeiter, Mrs. Hellinger, Mr. Weidemyre and Mr. Lewis, and Resolution No. 09-04 failed.

ORDINANCE NO. 09- 05

(THIRD 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.

Mrs. Hellinger read Ordinance No. 09-05 for the third time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 09-05. Mr. Blackwell seconded the motion. Hearing no discussion, one member voted Aye, five Nays by Mr. Williams, Mr. Zeiter, Mrs. Hellinger, Mr. Blackwell and Mr. Cinadr, one Abstain by Mr. Weidemyre, and Ordinance No. 09-05 failed.

ORDINANCE NO. 09-06

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

Mr. Blackwell read Ordinance No. 09-06 for the third time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 09-06. Mrs. Hellinger seconded the motion. Hearing no discussion, no member voted Aye, six Nays by Mr. Williams, Mr. Zeiter, Mrs. Hellinger, Mr. Blackwell, Mr. Lewis and Mr. Cinadr, one Abstain by Mr. Weidemyre, and Ordinance No. 09-06 failed.

Regular

March 5

2009

ORDINANCE NO. 09-07

(THIRD 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.

Mr. Lewis read Ordinance No. 09-07 for the third time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 09-07. Mr. Blackwell seconded the motion. Hearing no discussion, one member voted Aye, five Nays by Mr. Williams, Mr. Zeiter, Mrs. Hellinger, Mr. Blackwell, and Mr. Cinadr, one Abstain by Mr. Weidemyre, and Ordinance No. 09-07 failed.

ORDINANCE NO. 09-11

(SECOND READING) 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. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-11 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-11 for the second time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-11. Mr. Williams seconded the motion. Mr. Weidemyre asked Mr. Lewis if he asked for rider numbers. Mr. Lewis responded that he did and he was satisfied with the numbers. Seven members voted Aye, zero Nay, and Ordinance No. 09-11 was adopted.

ORDINANCE NO. 09-14

AN ORDINANCE AMENDING ORDINANCE 009-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING ADDITIONAL APPROPRIATIONS TO THE CAPITAL IMPROVEMENT FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-14 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 09-14 for the first time, by title only.

At 7:29 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, seven members voted Aye, zero Nay, and the motion to adjourn passed.

 President of Council

 Clerk of Council