

## Regular

April 2

2009

Ontario City Council met in regular session on April 2, 2009 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:06 p.m. and following the Pledge of Allegiance a moment of silence was observed in honor of former resident, business owner, community volunteer, and friend, Mike Martin.

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; Assistant Law Director Ryan Hoovler; Mayor Kenneth Bender; Service/Safety Director Charles Au; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Williams made a motion to excuse Mrs. Hellinger and Mrs. Thomas from this evening's meeting. Mr. Cinadr seconded the motion and the motion passed unanimously.

The minutes of the regular Council meeting of March 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, and the motion to approve the minutes passed.

#### **PUBLIC COMMENTARY**

Calling twice and hearing no one who wished to speak, Mr. Metzger closed the Public Commentary portion of the meeting.

#### **COMMITTEE REPORTS**

Mr. Williams extended his sympathy and condolences to the Martin Family.

Mr. Zeiter announced a Finance Committee of the Whole meeting for Monday, April 6, 2009, at 8:00 p.m.

Mr. Weidemyre expressed that what happened in this community a week ago puts things into perspective and everyone should embrace their families.

Mr. Cinadr extended condolences to the Martin Family and agreed with Mr. Weidemyre's comments. Also, congratulations were extended to Tom Beck, Richland County Engineer, for thirty years of government service and an equal number of years on the School Board.

Mr. Blackwell and Mr. Lewis had no report this evening.

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

Mayor Bender commented on the following.

- The Technology Drug Awareness Information Night was held March 25<sup>th</sup> at the Ontario High School. Several speakers participated in an excellent program.
- The Ontario Easter Egg Hunt is Saturday, April 4<sup>th</sup>, at noon. Children in the 4<sup>th</sup> grade and younger should meet at the Marshall Park Playscape and bring their own basket.
- The Ontario Lions Pancake Day is also on April 4<sup>th</sup> from 6 a.m. until 1 p.m. Everyone is encouraged to support this civic group.
- Neighborhood Watch meetings will begin next week. Notices were included in the water bill that was recently mailed. The next meeting is Tuesday, April 7<sup>th</sup>, at the Ontario United Methodist Church. If you can not attend the meeting in your area you are welcome to attend any of the other meetings. The April 9<sup>th</sup> meeting will be held at the Westwood Alliance Church, 396 Willowood Drive East.
- Winter debris pick up begins April 13-17; no leaves or grass will be collected. Limbs should not be more than 6' in length or 6" in diameter.

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- When approaching traffic lights motorists are encouraged to pull up into the traffic loop that appears on the road to trigger the light to keep the flow of traffic moving more efficiently.

When Mr. Zeiter questioned the status of the unfinished church on Park Avenue West, Mayor Bender said the Grace Brethren Church has retained possession of the property. Mr. Zeiter asked if the building permit could be renewed, the property offered for sale, or if the structure could be torn down because it is an eyesore.

- Mayor Bender said they have no legal course because it is not an unsafe structure. The owners have buttoned it down and are contacted three or four times each year when they become negligent on keeping the grass mowed. This is private property, therefore, the City does not have the authority to sell it.
- The building is not occupied.
- Mr. Zeiter said he will continue to ask about this property at every meeting until something is done.
- Mr. Au explained the cited unfit dwellings had occupants and were condemned by the County Health Department and the Building Code Department.

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

Mr. Au had no report.

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

Mr. Hoovler clarified earlier questions pertaining to Ordinance No. 09-19. The definition for "Institution" is an addition to Section 1146.02 of the Codified Ordinances and to place it in alphabetical order the label is 1.1 not 1.1.

#### **MISCELLANEOUS MATTERS**

Mr. Metzger presented a liquor permit transfer request from Hawkins to Bell Store located at 1340 Lexington Springmill Road. Council members did not wish to have a hearing regarding this request, therefore, the application will be processed and returned to the Ohio Division of Liquor Control.

#### **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 09-14

(THIRD READING) AN ORDINANCE AMENDING ORDINANCE NO. 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING ADDITIONAL APPROPRIATIONS TO THE CAPITAL IMPROVEMENT FUND.

Mr. Williams read Ordinance No. 09-14 for the third time, by title only, and then made a motion to adopt. Mr. Cinadr seconded the motion. Three members cast their votes Aye, three Nay votes by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis. Mr. Metzger voted Nay to break the tie and Ordinance No. 09-14 failed.

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## RESOLUTION NO. 09-09

(SECOND READING) A RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE TO ALLOW CITY OF ONTARIO RESIDENTS THE USE OF THEIR 449 ZIP CODE WITH ONTARIO, OHIO.

Hearing no motion to suspend the rules requiring the reading of Resolution No. 09-09 on three separate days, Mr. Zeiter read Resolution No. 09-09 for the second time, by title only.

Mr. Cinadr said he contacted the District Manager of the Cleveland Office who is looking into this situation. He probably will be attending the open meeting on April 7, 2009 at the Mansfield Sr. High Auditorium for citizens to voice their opinion on the mail processing being transferred from Mansfield to the Akron Post Office. If Mr. Marshall does not attend it is hopeful that a representative knowledgeable of this request will be present.

## ORDINANCE NO. 09-16

AN ORDINANCE TO ADOPT AN IDENTITY THEFT PREVENTION PROGRAM; TO ADOPT A POLICY REGARDING NOTICES OF ADDRESS DISCREPANCIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

Mr. Lewis made a motion to return Ordinance No. 09-16 to the Utility Committee. Mr. Weidemyre seconded the motion. Five members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to return Ordinance No. 09-16 to the Utility Committee was approved.

## ORDINANCE NO. 09-17

AN ORDINANCE ESTABLISHING FEES FOR PRELIMINARY SITE PLAN REVIEW, FINAL SITE PLAN REVIEW AND A PLAN RE-SUBMISSION REVIEW FOR MULTIFAMILY, COMMERCIAL, AND INDUSTRIAL PROJECTS AT THE TIME OF SUBMITTAL.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-17 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, one Nay by Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 09-17 for the first time, by title only.

## ORDINANCE NO. 09-18

AN ORDINANCE ENACTING SECTION 1145.28(a) (4) AND AMENDING 1145.28(b)(31) OF THE CODIFIED ORDINANCES CONCERNING SITE PLAN REVIEW.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-18 on three separate days. Mr. Cinadr seconded the motion. Four members cast their votes Aye, two Nay by Mr. Blackwell and Mr. Lewis, and the motion to suspend the rules failed. Mr. Lewis read Ordinance No. 09-18 for the first time, by title only.

## ORDINANCE NO. 09-19

AN ORDINANCE ENACTING SECTION 1146.02(1.1) AND 1146.05(f) OF THE CODIFIED ORDINANCES CONCERNING TEMPORARY SIGNS.

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Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-19 on three separate days. Mr. Cinadr seconded the motion. Four members cast their votes Aye, two Nay by Mr. Blackwell and Mr. Weidemyre, and the motion to suspend the rules failed. Mr. Cinadr read Ordinance No. 09-19 for the first time, by title only.

At 7:36 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. Lewis. At roll call, seven 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