

Regular

April 16

2009

Ontario City Council met in regular session on April 16, 2009 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:06 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Dan Zeiter, Mrs. 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. A number of interested citizens were present in the audience.

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

The minutes of the regular Council meeting of April 2, 2009 were presented for approval. Mr. Blackwell 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 Mrs. Hellinger, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Mr. Rehfeldt, representing the Ontario School Levy, came before Council to say: On May 5th, the residents of Ontario will have the opportunity to approve a substitute tax levy for the Ontario School District. This levy is not a new tax and currently represents 11% of the schools operating budget. In support of our children, our district, and our community, we are asking for the support of the residents of this City and the members of City Hall. Please allow me to highlight some of the Ontario School Districts accomplishments. We've been rated excellent in three of the last four years, we continue to be rated in the top 15% of all of Ohio School Districts. Ohio graduation rates have been the highest in our five counties for twenty school districts within the area. Ontario Schools are fiscally well managed, as we spent 15% less, or \$2.2 million, than the state average. The residents of Ontario should be proud to be living in a district that offers a wonderful education at a reduced cost in comparison to other districts across the state. The quality of our school system has a direct influence on our property values. It is one of the main reasons that the demand for real estate in Ontario exceeds the demand in other areas creating higher real estate values in Ontario than other areas of our region. It is critically important in today's economy that we continue to support our schools. The education of a child is not an expense, but rather a wise investment for the huge return for our community for our economy and our future. Statistics show that our nation has been slipping in terms of educational success with increased drop-out rates and lower standardized test scores compared to other nations. Thankfully, we do not have those issues in Ontario. This is a renewal levy and not a new tax that provides 1.765 annually for operating expenses such as textbooks, utilities, computers and school supplies. The loss of this levy would have an immediate and devastating impact on our district's ability to maintain its current rating. The current cost to a homeowner has been about \$1.25 per month for a \$100,000 of assessed value. In conclusion, times are tuff, and sacrifices have to be made, but we simply can't afford to slash funding in a district that already operates on a very lean budget. One of the main selling points of the City of Ontario is its school district. We're known for GM, we're known for retail, and we're known for our parks system. As we know, the economy has hurt GM and it has hurt retail, we can't allow another hit on our agenda. A strong commitment to education is essential to a strong economy and sufficient funding is a crucial element to providing schools with the resources that will prepare our children for the challenges that lay ahead. Education is still our best hope for the future. In our lifetime, most of us have never been in the situation where hope is so desperately needed. I encourage all residents to vote Yes, on May 5th. Thank you very much.

Mr. Rehfeldt responded to questions.

- This renewal is from three years ago and is now up for another three year renewal.
- The State established a substitute levy that is placed on the ballot, and if approved, does not come back again for renewal.
- The intent is to stop returning every three years for a renewal.

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- Money was raised outside of the school district to promote the levy; \$8,000 was raised from private donations.
- The cost to the school for putting the levy on the ballot is between \$1,000 - \$4,000, depending on the number of issues on the ballot.

Mr. Blackwell made a motion to support the school levy. Mr. Williams seconded the motion and the motion passed unanimously.

Larry Arnold, 2385 Whitney Avenue, was next to come before Council to say: Not to long ago members of the Charter Commission, including myself, reported to the Administration and Council that we completed the test that we were charged with, drafting the proposed Charter. At that time, I recall that Mayor Bender and the members of Council thanked the members of the Commission for their efforts. Since that time, much has changed. It has come to light that several members of the Administration, or appointees of the Administration, are now campaigning against the Charter. This is both troubling and confusing. I say this because during the two and a half month process of drafting the Charter the Commission members extended open invitations to the Community, Council, and members of the Administration. Quite frequently various members of Council, as well as the Law Director and members of the FOP, attended these sessions to provide constructive feedback in the development of the Charter document. There were no other Administration members that attended. To my knowledge the only correspondence, and or feedback, that was received was a letter stating, "keep everything the same". What's more troubling is if they were going to oppose it, why was Ontario taxpayers' money spent forming a Commission, paying for legal fees, and paying for the distribution of the Charter in the first place? I come to you tonight to ask members of the Council to make a resolution supporting the passage of the proposed Ontario Charter. Thank you.

Mrs. Thomas commented, by law the Council can't pass a resolution in support or against because there can't be any pressure from this group as to whether to pass it or not pass it. Individuals can do whatever they want to as long as they aren't doing it as a Council member, they can work on committees, but the group as a whole can't do a resolution or ordinance.

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

COMMITTEE REPORTS

Mr. Zeiter reported on the Finance Committee of the Whole meeting held April 6, 2009, for over two hours, discussing the current status and situation of the City's budget. A number of items were reduced during the meeting which will result in three pieces of legislation which are on this evening's agenda. The next meeting is scheduled for April 21st at 5:00 p.m.

Mrs. Hellinger announced a Parks Committee of the Whole will meet on April 21st following the Finance meeting, at approximately 5:30 p.m., regarding using the front part of Marshall Park for the 4th of July celebration.

Mr. Weidemyre commended the Charter Commission on all of their hard work.

Mr. Cinadr reported on two opportunities pertaining to the postal service.

- Citizens of Ontario may register their beliefs on the subject of area mail processing. Forms are available on the back table and comments must be at the Cleveland District Office by April 22, 2009. Mr. Cinadr encouraged everyone to take this opportunity to notify the postal service about the current service.
- The postal service has agreed to conduct a thirty day test by sending test letters to randomly selected citizens asking questions as to the condition of the test mail, when it was received, and the date it was received. This is working toward the recognition of Ontario as a city for mailing purposes and will help eliminate the confusion with local businesses that pay taxes to Mansfield when they are located in Ontario.

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Mr. Williams thanked Mr. Cinadr for his efforts and time spent pertaining to these issues.

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

MAYOR'S REPORT

Mayor Bender reported on the following.

- The collection of debris will end tomorrow. This year debris pick-up has been minimal.
- The contractor from the Rosewood/Willowood street paving, curb and gutter project will be in the area soon to back-fill behind the curbs and reseed.
- At the 65th Annual Awards luncheon for the Richland County Safety Council and the Ohio Bureau of Workers' Compensation Division of Safety and Hygiene honored the safety forces in Richland County which included Officer of the Year for the City of Ontario, Officer Jon Sigler.

Director of Operations Curt McVicker and School Board President Mary Bennett were asked to come forward to receive a Proclamation for the Ontario School District.

ONTARIO SCHOOL DISTRICT 2009

Whereas, the Ontario School District's primary mission is to provide to all students the safest and best possible educational environment possible; and

Whereas, the Ontario School District can be identified as one of the most significant strengths of the economic development of the City of Ontario; and

Whereas, an important reason families locate in the City of Ontario is because the Ontario School District ranks among the lowest in our area for the amount of money spent per pupil, but consistently ranks highest among area schools in terms of academic achievement; and

Whereas, the Ontario School System is an important factor for the continued growth and prosperity of the City of Ontario.

Now, therefore, I, Kenneth A. Bender, Mayor of the City of Ontario do hereby encourage all citizens to support the Ontario Schools, that we may maintain our tradition for quality education.

In Witness Whereof, I have hereby set my hand and caused the seal of the City of Ontario to be affixed this 16th day of April, in the year of our Lord Two Thousand and Nine.

Kenneth A. Bender, Mayor

Mr. Weidemyre asked about the contract for the fireworks for the 4th of July; if the contract isn't let soon they will lose the tender. Mayor Bender said the permitting must go through the City and the Service/Safety Director has been in contact with them.

Mr. Zeiter asked if there was any progress on the unfinished church on Park Avenue West. Mayor Bender responded that he was contacted by an area minister who has interest in the property and directed him to the property owners. Also, he is working with Richland County Codes and Permits to have the building inspected.

- Mr. Zeiter read from Section 1149.03(b)(3) of the Ontario Zoning Code: whenever a zoning permit is issued the construction shall begin within six months after the issuance of that permit and shall be completed within eighteen months. He added that other businesses have submitted an extension request for their zoning permit and wondered

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why the same wasn't done in this case. Mayor Bender said two extensions have been granted but neither one is still valid. Mrs. Thomas interjected that if a building permit expires then another request must be made; the City has no enforcement, this is not a criminal or civil action but a procedure process.

- If Building Codes determines this is an unsafe structure they will proceed.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

Mr. Zeiter asked for clarification as to the Ontario policy concerning the recent incident in Mansfield. Mrs. Thomas responded that under the General Offenses Code, Section 505.14 Dangerous and Vicious Animals, a vicious dog is named as a Pit Bull Terrier. A Pit Bull Terrier is defined and includes, but is not limited to, American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier". This section also includes the \$100,000 liability policy which is under the Ohio Revised Code. Any violation is a first degree misdemeanor which is a \$1,000 fine and six months in jail.

Mr. Cinadr thanked the Administration and the staff of the Tribune-Courier for their past support of the mail processing question and the zip code. Thanks very much.

MISCELLANEOUS MATTERS

Mr. Metzger congratulated Clerk of Council Cathy VanAuker for becoming certified by the Ohio Municipal Clerks Association. She was also appointed to the Board of Directors and to the Scholarship Committee.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 09-09

(THIRD 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.

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

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

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.

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Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-16 on three separate days. Mrs. Hellinger seconded the motion. Four members cast their votes Aye, three Nays by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Lewis read Ordinance No. 09-16 for the first time, by title only.

ORDINANCE NO. 09-17

(SECOND READING) 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. Blackwell 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, two Nays by Mr. Zeiter and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 09-17 for the second time, by title only.

ORDINANCE NO. 09-18

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

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-18 on three separate days. Mrs. Hellinger seconded the motion. Six members cast their votes Aye, one Nay by Mr. Lewis and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 09-18 for the second time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 09-18. Mr. Williams seconded the motion. Hearing no discussion, five members cast their votes Aye, two Nays by Mr. Weidemyre and Mr. Lewis, and Ordinance No. 09-18 was adopted.

ORDINANCE NO. 09-19

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

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 09-19 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 09-19 for the second time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 09-19. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Zeiter and Ordinance No. 09-19 was adopted.

ORDINANCE NO. 09-20

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

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Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-20 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. Zeiter made a motion to amend Ordinance No. 09-20, page 2, fifth item, by striking the entire line 101-7040-52301 from the document because it appears in Ordinance No. 09-21. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to amend Ordinance No. 09-20 was approved. Mr. Zeiter read Ordinance No. 09-20 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 09-20. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-20 was adopted.

ORDINANCE NO. 09-21

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

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-21 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. Mrs. Hellinger read Ordinance No. 09-21 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-21. Mr. Zeiter seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-21 was adopted.

ORDINANCE NO. 09-22

AN ORDINANCE AMENDING SECTION 12.1(2) OF ORDINANCE 97-60, AND 04-38, 04-55, 05-08, 05-48, 08-20, 08-46, 08-49 AND 09-04 TO ALLOCATE THE BALANCE OF INCOME TAX FUNDS AVAILABLE TO BE DISBURSED.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 09-22 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-22 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-22. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Weidemyre and Ordinance No. 09-22 was adopted.

At 7:39 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. Cinadr. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council