

Regular

May 11

2009

Ontario City Council met in regular session on May 11, 2009 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:18 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; Auditor Nancy Morehead and Clerk of Council Cathy VanAuker. A number of employees and interested citizens were present in the audience.

The minutes of the regular Council meeting of April 16, 2009 were presented for approval. Mr. Cinadr made a motion to approve the minutes and Mr. Lewis seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Jim Henry, 1129 Lewis Road came before Council to say: I'd like to thank everyone in this group and the citizens for the opportunity to serve the City of Ontario in the positions that we had with regards to the Charter Commission. Unfortunately, there were a lot of the members of Administration that spent an inordinate amount of time bucking against it and not putting forth information to help out. Quite a few of the Council members were there, we applauded them. A lot of the folks in this City really care about this City but unfortunately there were some agendas. I'm sorry, but the Administration has tweaked this thing out of proportion. Unfortunately, the Charter would have been good for the City of Ontario if we would have had input during those periods of time other than a two sentence paragraph that basically said leave everything the way it is. We would have done a lot better job, we weren't experts. This isn't sour grapes; this isn't intended to be that way. I love this City, the City should move forward, and hopefully it will, but we need to understand what we stand for and not have agendas. Going forward, the people of the City of Ontario will be watching those of this Administration that will or will not be here, so I urge you to do the right thing. Thank you.

Fred Kohler, 1482 Lex-Springmill Road, was next to come before Council: It's unclear to me where we're going with our 100% General Funding and I'd like to know what time period we're going to do that. I know you've been going very cautiously on that. (Mr. Zeiter interjected that legislation continues it through the end of June, for the first six months of the year.) Thank you.

John Williams, 1065 State Route 314, was next to approach Council: I'm here to speak on behalf of the Ontario Independence Day Festival. I understand you are voting tonight on the fireworks. I want to answer any questions you might have and give you a few comments. Just so you know, our expenses for the festival alone was \$30,000. If we incur the expense of the fireworks this year, we can do it, we can pay for the fireworks if we have to. But, if we're forced to pay for the fireworks it's going to put us in the position that we can't continue on. It will put us near the red zone that we can't afford to go in. A lot of companies right now are holding back on their funds and we're not getting the donations that we have in the past. I know you don't hear all of the positive comments; we get a lot of comments from the community on how well they like this. I hope this goes on. If you have any questions I would be glad to answer them. I know you are in a tuff position right now, it's trying times and a lot of things need to be cut. It's your decision, if we pay for the fireworks the festival comes to an end. Having a strong community is more than just paved roads and traffic lights. This festival represents who we are, we try to make a family festival for everyone to enjoy. We estimate 20,000 people come in. The budget is around \$10 million so this is 1/10 of 1%, basically \$2 per person in the City and if you look on to the community it is \$1 per person. That is a very little return back to the public. Thanks for your time and good luck.

- Mr. Williams has volunteered on the Festival Committee for seven years.
- The Committee has approximately 20 volunteers.
- The first year is the most challenging year so if it fails this year it is very hard to get it going. It would take about 500 hours the first year then things fall into place.

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- The Police Department gets paid from the City funds and the Fire Department also gets paid.
- 50-100 students volunteer but any money raised through donations goes back to their organizations, such as the Boy Scouts.
- Mr. Williams said he could check with the Festival Committee and if there is any money left over they could reimburse the City for the fireworks.

Next to come before Council was Gino Mollica, 361 S. Lex-Springmill Road, representing the Ontario Growth Association: I am a Trustee on the Board, we met this morning and discussed the fireworks. The overall majority feeling of the members and representatives from various businesses in the City is 100% support for the festival. The thought is also to work for next year as to what might be done for the festival. The OGA group will work with other groups, such as the Lions and Rotary, to bring in more support, camaraderie, and get more people involved because of the size of the festival. I don't know how many of you attend, I hope you all do, at least visit sometime during the day. It's seeing all of those children, the different events, games, and contests, what we do for the young adults in Ontario, see their faces and see their excitement with what they do all day. You can't replace those memories. It's not just Ontario who comes here, it's Crestline, Shelby, and Lexington. We must be doing something good because we were asked to join with the City of Mansfield. That tells you that we've got something good here. The decision you make tonight affects us in the future, for years to come.

- Fred Kohler commented on the occupancy tax for hotels he helped sponsor several years ago. The money was to go to economic development. He felt money spent this way could be economic development because it shows a concern and builds character for this City. This \$9,000 could be used for selling the City; some of the occupancy tax money is used to sponsor races. This will help build the image of the City when trying to influence businesses as to why they should come here.

Dave Rehfeldt, 3479 Ridgestone Drive, stood before Council to say: Thanks for all of your support for the levy last week; 68 votes might as well have been 1,000 or 1, we didn't care, we appreciate it. I'm a finance guy so it tends to be a little hard to talk about money from the standpoint of marketing support for different things. I too am a member of the 4th of July Committee. In my finance background I can't tell you the number CEO's I've met that will waste a \$100,000 and then chew our butts for wasting money on paper clips. From a marketing standpoint we can't ignore making this City a community. There are a few items we have that drive this community: the parks, Friday night football games, soccer games, softball games at the park, and the 4th of July Festival. If we're going to keep companies like GM here, coming back – who knows where they're headed, they're going to come back for three reasons. To make a great low cost product, if they're a low cost provider, they make a great quality product and the people in this town give them enough reasons to continue to come here. We can't shortchange ourselves by trying to get rid of the little things that keep people wanting to come to this town. It fries me, frankly, when we worry about fireworks; \$10,000, is a lot of money, don't get me wrong, you have tuff decisions. We're talking about ¼% taxes, losing the tax credit of 1% and driving it to ½%, and we want to take away the little things that make us a community and make people think they might as well go live in the city. That little festival of 20,000 people puts us on the map. That's the reason GM is here, that's the reason we've become the unique town in this county. We can't throw that away for \$10,000. I don't know how else to explain it. I've lived in this town for six years now because it was a community. Great communities make great decisions in difficult times. The jury is out in Ontario. Thank you.

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

COMMITTEE REPORTS

Mr. Williams scheduled a Utilities Committee meeting at the Service Building on May 12, 2009, at 3:00 p.m.

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Mr. Zeiter reported on a Finance Committee of the Whole meeting held April 28, 2009. There are several items on this evening's agenda that are the result of the lengthy meeting. The next meeting will be scheduled once information is received from the Auditor and Treasurer.

Mr. Metzger pointed out any upcoming meetings will be jointly held as Finance and Personnel Committee of the Whole.

Mr. Blackwell commented on the Personnel Committee of the Whole meeting held this evening at 5:30 p.m. to review the meetings with the Service employees on the 29th and the Police on the 30th. They discussed possible solutions for cuts rather than lay-offs. More will be discussed at the next joint Personnel/Finance meeting.

Mr. Cinadr referred to the Tribune-Courier article about the 44903 and 44906 zip codes and naming Ontario, OH for the destination for mail. A decision has not been made by the Cleveland District if this is possible but it was put into the database and a test mail run was made to determine if there would be a delay in processing. The Cleveland Office is in the process of drafting a letter, the contents are unknown, but will be publicized as soon as he receives notification. If the response is not favorable, Mr. Cinadr will continue to move forward for the citizens of Ontario. Mr. Williams thanked Mr. Cinadr for his hard work on this project.

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

MAYOR'S REPORT

Mayor Bender reported on the following items:

- The City received an email from the State of Ohio Attorney General Richard Cordray. A portion of the email stated:
 What's in the news often drives companion scams. My office has received complaints relating to the economic stimulus package, tax returns, and television conversion to HD. It appears that the same predators are now attempting to take advantage of people's fear about Swine Flu. According to the Better Business Bureau and online security companies, emails from scammers about Swine Flu already make-up 2% of all spam emails and hundreds of websites using the term Swine Flu have already been registered. In addition to making you aware of this trend I need to help identify the scams. He asked that if anyone has been contacted about medications or the Swine Flu to contact the State of Ohio Attorney General. Never send personal information such as a bank account or social security number via email. If you are asked for this information don't respond and don't click on the links to the message.
- Next week is National Police Week with a celebration in Washington D. C. Friday will be the memorial with flags at half-staff in remembrance of those who have given their lives for the protection of their communities. A local celebration will be held next week and the news media will be contacted.

At this time, Sherry Branham Foltz, Director of Program Management and Public Relations for the Mental Health and Recovery Service came forward to receive a Proclamation.

MENTAL HEALTH MONTH May 2009

WHEREAS, mental health is essential to everyone's overall physical health and emotional well-being; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

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WHEREAS, people who have mental illness can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governments and families has grown to \$113 billion annually; and

WHEREAS, community-based services that respond to individual and family needs are cost-effective, and beneficial to consumers and the community; and

WHEREAS, the National Mental Health Association and its national partners observe Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW, THEREFORE, I, Ken Bender, Mayor of the City of Ontario, Ohio, do hereby proclaim

May 2009
as
"Mental Health Month"

and call upon the citizens, government agencies, public and private institutions, businesses and schools in Ontario to recommit our community to increasing awareness and understanding of mental health, and the need for appropriate and accessible services for all people who have mental illnesses.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ontario, Ohio to be affixed this 7th day of May, in the year of our Lord, two thousand and nine.

Ken Bender, Mayor

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

When Mr. Weidemyre asked if they can make any improvements at Stowell Park, Mr. Au said they do not have the manpower to work on it.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

Mr. Zeiter asked Mrs. Thomas to research if it is permissible for Council members to take a 10% reduction in pay rather than write a check back to the City.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 09-16

(SECOND READING) 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. Cinadr made a motion to suspend the rules requiring the reading of Ordinance

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No. 09-16 on three separate days. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-16 for the second time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-16. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-16 was adopted.

ORDINANCE NO. 09-17

(THIRD 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. Lewis read Ordinance No. 09-17 for the third time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-17. Mr. Cinadr seconded the motion. Hearing no discussion, five members cast their votes Aye, two Nays by Mr. Weidemyre and Mr. Lewis, and Ordinance No. 09-17 was adopted.

ORDINANCE NO. 09-23

AN ORDINANCE REPEALING ORDINANCE 09-21 AND 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. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-23 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. Weidemyre read Ordinance No. 09-23 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 09-23. Mr. Blackwell seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-23 was adopted.

ORDINANCE NO. 09-24

AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING AN ADJUSTMENT IN THE 35% STREET CONSTRUCTION AND MAINTENANCE SPECIAL REVENUE FUNDS.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-24 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Weidemyre, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 09-24 for the first time, by title only.

ORDINANCE NO. 09-25

AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING AN ADJUSTMENT IN THE CAPITAL IMPROVEMENT FUND.

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Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-25 on three separate days. Mr. Cinadr 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. Mrs. Hellinger read Ordinance No. 09-25 for the first time, by title only.

ORDINANCE NO. 09-26

AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING AN ADJUSTMENT IN THE GENERAL FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-26 on three separate days. Mr. Cinadr seconded the motion. Three members cast their votes Aye, four Nays by Mr. Zeiter, Mr. Blackwell, Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Zeiter read Ordinance No. 09-26 for the first time, by title only.

ORDINANCE NO. 09-27

AN ORDINANCE AMENDING SECTION 191.11 TAX CREDIT OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 09-27 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Weidemyre, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 09-27 for the first time, by title only.

ORDINANCE NO. 09-28

AN ORDINANCE AMENDING SECTION 191.12(b) ALLOCATION OF FUNDS OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 09-28 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, one Nay by Mr. Lewis, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-28 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-28. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-28 was adopted.

ORDINANCE NO. 09-29

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. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-29 on three separate days. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 09-29 for the first time, by title only.

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Mr. Lewis made a motion to adopt Ordinance No. 09-29. Mr. Zeiter seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-29 was adopted.

ORDINANCE NO. 09-30

AN ORDINANCE AMENDING ORDINANCE 09-08 KNOWN AS THE
PERMANENT APPROPRIATION ORDINANCE FOR 2009 BY MAKING AN
ADJUSTMENT IN THE GENERAL FUND.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 09-30 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, two Nays by Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 09-30 for the first time, by title only.

At 8:00 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. Cinadr. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council