

Regular

May 21

2009

Ontario City Council met in regular session on May 21, 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 Auditor Nancy Morehead. A number of employees and interested citizens were present in the audience.

The minutes of the regular Council meeting of May 7, 2009 were presented for approval. Mr. Weidemyre 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**

Fred Kohler, 1482 Lex-Springmill Road, came before Council and asked for clarity on Ordinances 09-35 and 09-36.

- Mr. Metzger explained it was an additional .25% Safety Tax that would be applied to income and would go directly to the Police Department. One ordinance is to pass the tax and the other ordinance is to place it on the November ballot to be voted on by the citizens.

Mr. Kohler also asked about Resolution No. 09-10, the Easement Agreement with OSU.

- Mr. Metzger said this pertained to the existing sewer line easement.

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

### **COMMITTEE REPORTS**

Mr. Williams reported on the Utilities Committee meeting held May 12<sup>th</sup> at the Service Building where they discussed items that will require attention in the future. This information will be addressed during the Utilities Committee of the Whole meeting scheduled for May 28, 2009, at 3:00 p.m. at the Service Building.

Mr. Zeiter scheduled a Personnel/Finance Committee of the Whole meeting on June 4, 2009, at 5:00 p.m.

Mr. Blackwell confirmed the scheduling of the Personnel/Finance Committee of the Whole meeting for June 4<sup>th</sup>.

Mr. Cinadr announced an Economic Development Committee meeting will be held on June 4, 2009, at 4:30 p.m., in the Council Chambers.

Mr. Cinadr added, the zip code test using Ontario, OH 44903 and 44906 was successfully completed but the Post Office does not believe it can control the software of commercial mailers and request Ontario, OH 44903 or 44906 not be used. Ontario Post Office Box holders will continue using Ontario, OH 44862. The testing will continue but it is uncertain when the final answer will be provided. Information that he has received from those currently using Ontario, OH 44903 or 44906 indicate it does not delay the mail.

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

Regular

May 21

2009

## **MAYOR'S REPORT**

Mayor Bender commented on a couple of items.

- Council was urged to review the four ordinances pertaining to the budget that were held to first readings; they need acted upon. They will do whatever it takes to balance the budget before the end of the year.
- The Miss Ontario Pageant is Saturday, 7:00 p.m., at the High School. Everyone is welcome to attend.

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

Mr. Au highlighted several projects.

- The Rock Road bridge that crosses St. Rt. 30 will be closed beginning May 26 – June 8, in order to put an overlay on the bridge deck. This is outside of the city limits.
- The I & I Project, Phase 2, is in the final stages. Restoration work has been completed and most of the lawns have been restored. The contractor will touch up some of the areas that will continue to settle. Driveways and roadways will be paved beginning next week. Work along the Shelby-Ontario Road, in front of the school, will begin a week after school is out. This project should be finished by the end of June.
- Limited striping will be done on Walker Lake Road on the west side of Lexington-Springmill.
- Crack-sealing will be done on W. 4<sup>th</sup> Street to prevent deterioration where the long narrow strips were paved last year.
- Shelley and Sands was the low contractor for the limited paving projects which will begin in June. This will include Rock Road north from PAW; Lexington-Ontario Road and Old Oak Trail.
- Highway mowing has begun but it will not be done as often as in the past in order to keep the costs down.
- The ODOT project for January 2010 will be bid in early January for St. Rt. 309 and St. Rt. 430 beginning at Home Road and continuing to where St. Rt. 309 and St. Rt. 430 join. ODOT is in the process of finalizing the plans. Storm water conduits go under both roadways and will be replaced by ODOT; this will require road closings next summer. The project should begin in March/April and be finished by late summer/early fall.

Mr. Cindar asked Mr. Au if the timing of the lights at Walker Lake Road will be reviewed in order to improve on the lengthy back-up of motorists making a left-turn into Target. Mr. Au responded that would not be done with the striping but Mr. Gleisinger is working with the Dayton company to make adjustments to this very complicated intersection.

Mr. Weidemyre asked if any I & I results have been received indicating the reduction to the lift station. Mr. Au said flow testing is currently being done and the results should be available in forty-five days.

## **LAW DIRECTOR'S REPORT**

Mrs. Thomas had no report.

## **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

Mr. Zeiter made a motion to change Ordinance No. 09-24, Section 1, line item 209-6030-52420, Gas & Oil, from \$131,000 to \$155,000. Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

Regular

May 21

2009

## ORDINANCE NO. 09-24

(SECOND READING) 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. Blackwell 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 Mrs. Hellinger, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 09-24 for the second time, by title only.

## ORDINANCE NO. 09-25

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

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 09-25 on three separate days. Mr. Blackwell seconded the motion. Three members cast their votes Aye, four Nays by Mr. Williams, Mr. Zeiter, Mrs. Hellinger and Mr. Lewis, and the motion to suspend the rules failed. Mr. Zeiter read Ordinance No. 09-25 for the second time, by title only.

## ORDINANCE NO. 09-26

(SECOND READING) 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. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 09-26 for the second time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-26. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-26 was adopted.

Mr. Metzger explained to the audience the passage of this ordinance removed the money for the Fireworks from the General Fund. The \$9,300 for the fireworks will be paid from the Economic Development Fund which is raised by the Occupancy Tax and is of no cost to the taxpayers.

## ORDINANCE NO. 09-27

(SECOND READING) 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. Three members cast their votes Aye, four Nays by Mr. Zeiter, Mrs. Hellinger, Mr. Weidemyre, and Mr. Lewis, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 09-27 for the second time, by title only.

Regular

May 21

2009

## ORDINANCE NO. 09-30

(SECOND READING) 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. 09-30 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 09-30 for the second time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-30. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Zeiter, and Ordinance No. 09-30 was adopted.

## RESOLUTION NO. 09-10

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO EASEMENT AGREEMENT ON BEHALF OF THIS CITY WITH THE STATE OF OHIO.

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

Mr. Lewis made a motion to adopt Resolution No. 09-10. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 09-10 was adopted.

## ORDINANCE NO. 09-31

AN ORDINANCE REPEALING EXISTING SECTION 1145.09 OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO AND ENACTING 1145.09.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 09-31 on three separate days. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-31 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-31. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-31 was adopted.

## ORDINANCE NO. 09-32

AN ORDINANCE AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO EXECUTE AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PURCHASE OF ROCK SALT FOR 2009/2010.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-32 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. Williams read Ordinance No. 09-32 for the first time, by title only.

Regular

May 21

2009

Mr. Williams made a motion to adopt Ordinance No. 09-32. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-32 was adopted.

ORDINANCE NO. 09-33

AN ORDINANCE APPROVING THE EDITION AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ONTARIO, OHIO.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 09-33 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. Zeiter read Ordinance No. 09-33 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 09-33. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-33 was adopted.

ORDINANCE NO. 09-34

AN ORDINANCE ENACTING 1133.02(3)(I) AND (J), 1133.02(164.1) and 1143.03(n) AND AMENDING 1147.01 (d) TO THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 09-34 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. Mrs. Hellinger read Ordinance No. 09-34 for the first time, by title only.

ORDINANCE NO. 09-35

AN ORDINANCE PROVIDING FOR SUBMITTING QUESTION "SHALL THE ORDINANCE PROVIDING FOR A QUARTER PERCENT LEVY ON INCOME FOR SAFETY FORCE OPERATIONS BE PASSED?"

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-35 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. Blackwell read Ordinance No. 09-35 for the first time, by title only.

ORDINANCE NO. 09-36

AN ORDINANCE TO INCREASE THE MUNICIPAL INCOME TAX BY ONE-QUARTER PERCENT PER ANNUM FOR SAFETY FORCES OPERATION IN THE CITY OF ONTARIO, OHIO.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 09-36 on three separate days, Mr. Weidemyre read Ordinance No. 09-36 for the first time, by title only.

At 7:32 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.

---

President of Council

---

Clerk of Council