

Regular

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Ontario City Council met in regular session on June 4, 2009 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:12 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; Recreation Director Janet Van Cura; 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 May 21, 2009 were presented for approval. Mr. Blackwell made a motion to amend the minutes by removing the last paragraph under Ordinance No. 09-35, page 6229. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes, as amended, passed.

PUBLIC COMMENTARY

First to approach Council was Pete Waleskowski, 2398 Woodland Park Drive to say: I stand before you today to provide you one voice addressing your consideration of Ordinance 09-27, that has been proposed. For those unfamiliar with this proposed ordinance, as written, it will effectively increase the amount of income taxes a large number of us pay in the City of Ontario by one-half of one percent from what we are currently paying. Since the first of the year we have seen a significant decrease in the revenues generated by sales taxes that are used to pay the bills of this community. This is nothing new for all of us. However, the events of this past week and the impact that it will have on this fine city, and its residents, could be devastating. As a chief executive of a business, I'm charged with the responsibility of constantly watching finances of our organization, both income and expenses, and communicating continually with our Board of Directors on actions necessary to assure that the financial health of the organization is maintained. Mr. Mayor, you serve in that same capacity in this city. To that end, it is your responsibility to make sure that the day to day cost adjustments necessary to keep us from becoming the next casualty of this economic environment is yours. City Council, you are the equivalent of the Board of Directors. Although somewhat limited by statute, I for one am unwilling to accept that you are without the power and the authority, and/or influence necessary to assure the Mayor and the administrative staff carry out a very difficult responsibility of keeping the finances in check. As it stands today, your actions are subject to the scrutiny and the criticism, not because of the loss of revenues, but because you have failed to establish contingency plans or take timely action to respond to those decreased revenues. Now you're considering what I'm referring to as a back-door increase in taxes and this is just plain a bad plan. Do you think next January 1st those impacted won't create a storm in these Council hearings? I predict that they will. I understand that Council has been advised that you are limited by statute from doing a referendum to the voters on this issue before its implementation, and, I've investigated and I agree with that finding. However, you can accomplish this same thing by being forthright with your citizens and recommending an increase in the taxes to 1 ½% which by statute would require going to the voters. You can accomplish the same things that you've discussed here in this meeting by not doing it back-door, being forthright. That's the same thing that you have proposed with the other city ordinances 09-35 and 09-36. I pledge to you today as a person who remembers the history behind the formation of this great country that the mistakes that were made by those who attempted to impose unfair taxes on us, Google the Boston Tea Party. You needed to stand in front of the voters and plead your case because if you don't, I will. The laws of this great state and constitution provide for the will of the people to be imposed. I've prepared, and have already drafted, an initiative petition that will help, and dare I say force the Mayor and this Council to make decisions on matters, heretofore, that they have avoided. Please hear what I'm saying. I have yet to form an opinion on whether these taxes are necessary but I'm very firm in my position. This back-door approach is not what I, for one, would expect from those elected leaders of our community. I thank you for the opportunity to speak to you and share my thoughts and appreciate your thoughtful consideration of my recommendations.

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Next to come forward was Fred Kohler, 1482 Lex-Springmill Road, to say: I would like to add to the comments that have been made. My question, or my concern, is Ordinance No. 09-25. I need somebody to tell me - my understanding from Mr. Au in the Caucus is that we are going to spend \$300,000 for a lift station on Home Road. Number one, can we confirm that is what we are spending this money for, what it is, and why do we need it? In the early 2000's, I can't tell you exactly the year, we put in a gravity system that went through OSU that was suppose to eliminate all of our problems with the sewers, the backups and everything. Some of you folks were on Council at that time. I can't remember what the number was, \$300,000 to \$400,000, and that was to relieve this pumping station that we are now going to rebuild. Why does this need rebuilt? Why would we spend the money to put in the gravity system? We need to look very hard at how we are spending the money. Can somebody tell me what this lift station is servicing, why do we need to spend money to repair it, or do we need to spend money to repair it? I think we need to answer that before we pass this and automatically put that money over there. I just don't understand why we're doing that.

Mr. Au responded: We passed out to Council a copy of what we submitted when we put the request in for the grant. The useful life of a pump station is x amount of years, we are already ten or fifteen percent over that point right now. The drainage area that this takes care of is shown in the map and includes the area from Ferguson to Fulwell, up and down Lexington-Springmill from Walker Lake Road. It is the seconded largest pump station that we have in the City and it could go down tomorrow, it could go down next week, it could go down next year. We have the opportunity to build this at \$225,000 cost to the City which is about a \$500,000 lift station. The engineering is done, the request is into the EPA for approval to go to bid. We think the time is right to rebuild this at the present time because if it goes down and if we lost this grant we pay for the whole cost of this at \$500,000.

Mr. Kohler added: I'm confused with the money that we spent on the gravity system that I thought took care of most of this area. I was on Council when we put that gravity system in. It seems to me that we're spending a lot of money that I thought, as a taxpayer and as a former Council person, that we already fixed.

When Mr. Metzger asked if the gravity system through Spring Village extending by OSU to Route 39 used to be on the Home Road Lift Station, Mr. Swinehart confirmed that was correct. Approximately 75% of the existing Home Road Lift Station service area still flows through this lift station and cannot be tied into the gravity system.

Mark Arnold, 182 Lexington-Ontario Road, was next to stand before Council to say: I am not representing Congressman Jordan's office but I do have a press release that I would like to read. This is the point where politics ends and we all need to move together.

Mr. Arnold read the news release:

News From The Honorable Jim Jordan, Fourth Ohio District. Jordan Demands Obama Administration Attention for Ontario - Launches Online Petition Drive to Draw White House Attention.

In the wake of Monday's announcement, Congressman Jim Jordan today sent a letter to the White House repeating his request that President Barrack Obama, a member of his cabinet, or a high-level member of the President's Auto Task Force visit the General Motors facility in Ontario, slated for closure in June 2010. "The decision to close the Ontario facility, one of the most productive and efficient automotive operations in the nation, lies squarely at the feet of the President's Auto Task Force," said Jordan. Jordan said they will work with city and county officials in their efforts to move forward, but still demand that the Obama Administration pay greater respect to effected workers and families in Richland County. "Obama Administration officials are touring auto facilities across the Midwest, but they have wrongly neglected us," said Jordan. Our workers deserve better. They deserve that someone from the Administration come here, look them in the eye, and tell them why they chose to close their plant." Jordan said that his office has launched an online petition for the community to show their support for a visit from the White House. Area residents can sign the petition at:

www.petitiononline.com/4Ontario/petition.html. "Now that our federal government owns a majority share in General Motors, and because President Obama has already

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taken the unprecedented step of replacing former General Motors CEO Rick Wagoner, I believe President Obama can intervene in this situation and reverse the decision to close down the Ontario facility,” said Jordan.

Mr. Arnold continued to say: as a former Councilman, I recommend a resolution or voice vote be enacted by this Council in support of this online petition as well as supporting not just Congressman Jordan’s efforts but to truly demand the Obama Administration show up in Ontario. Thank you.

Mr. Zeiter made a motion to support the online petition to have the Obama Administration officials visit the Ontario General Motors facility and explain why they chose to close this plant. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed unanimously.

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 of the Whole meeting held May 28th at the Service Building where they discussed the maintenance and replacement process of sewer pipes, water pipes and fire hydrants. Legislation is being prepared to be presented before Council at the next meeting.

- This will include a residential price increase of 11.3% annually for a period of six years.

Mr. Zeiter commented on the Finance Committee of the Whole meeting held earlier this evening. Although not many decisions were made public there will be some very good work going forward in the next couple of weeks.

- A Finance Committee of the Whole is scheduled for June 10, 2009 at 5:00 p.m.

Mr. Blackwell addressed the Personnel Committee of the Whole meeting held in conjunction with the Finance meeting. The Personnel Committee portion of the meeting was held in executive session. Legislation will be prepared for the next Council meeting pertaining to the motions that resulted from this meeting.

Mr. Cinadr shared information from the Economic Development Committee meeting held today at 4:30 p.m. The minutes from this meeting will be available next week. Legislation will be prepared to be presented before Council at the next meeting.

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

MAYOR’S REPORT

Mayor Bender began by addressing the closing of General Motors and the impact of this major financial contributor to the City’s history and growth. Several meetings have taken place this week that included area politicians, Senator Brown, Senator Voinovich and Congressman Jordan. There is a very small chance the decision will be reversed but they were able to speak before the Secretary of Labor and the Governor pertaining to the Ontario/Mansfield/Richland County area. Mayor Bender spoke to Senator Brown this evening emphasizing the elevated 40% financial affect this closing will have on a small community whereas larger cities with plant closings may only notice a nominal 2% decrease of income. Meetings will continue this week.

- The Economic Development Advisory Council, consisting of all Richland County Mayors, has met for seven months concerning the local business environment.
- Groups that include State Legislators and State Agencies, i.e. Jobs and Family Services, have also been meeting.
- They are seeking answers on what criteria was used in closing a number one facility.

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Mr. Williams added this plant was very competitive with being number one in cost per ton, lowest in utility costs, having their own outside Air Handling House and Baler House, as well as having the most competitive contract in the auto history of the big three.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

Mr. Lewis asked if more than one price was received for the crack-sealing contract.

- Other companies were over the \$25,000 threshold and mobilization costs prevented them from bidding.
- Local companies are too small for this project; the award went to a company near Toledo.

Mr. Zeiter asked if there is any information about the abandoned construction on Park Avenue.

- Tomorrow morning at 8:45, Mr. Au, the Zoning Inspector and a group from the Health Department will do an inspection.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report but clarified that no decisions were made during the Personnel Committee's executive session. All votes were taken on the floor.

RECREATION DIRECTOR'S REPORT

Mrs. Van Cura reported on several topics.

Lifeguard Certification Class. Six Ontario students took the class and should receive certification tomorrow.

Summer Recreation. Registration is 244 students for the first week and 230 students for the second week. There are thirteen activities being offered. Each child was charged \$10 per week which is a \$5 increase over last year.

Swim Lessons. Two swimming sessions will be offered immediately following Summer Rec with twenty-five children per session. The fee for swimming lessons was \$40 per student. Both classes are full and several children were turned away.

Mrs. Van Cura invited everyone to observe the Summer Recreation program anytime during the weeks of June 15 or June 22, 9:00 a.m. – noon, Monday thru Thursday. For close to forty years many children have participated in this very popular activity and the high school students help teach. Mrs. Van Cura said she would like to see this program continue and, if necessary, she could increase the rates again next year. So far this year over \$6,000 has been collected; Summer Rec and the Craft Show together bring in over \$10,000.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 09-24

(THIRD 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. Cinadr read Ordinance No. 09-24 for the third time, by title only.

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Mr. Cinadr made a motion to adopt Ordinance No. 09-24. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-24 was adopted.

ORDINANCE NO. 09-25

(THIRD 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. Lewis read Ordinance No. 09-25 for the third time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-25. Mr. Cinadr seconded the motion. Mr. Weidemyre stated in spite of receiving grant money he did not feel this was the appropriate time to spend \$230,000 when they are looking at laying off employees. Mr. Au said the City would have to pay back \$17,000 that has been incurred for engineering costs. Mr. Zeiter pointed out the engineering work that has been done on this project can still be used at a later time. Hearing no other comments, three members cast their votes Aye, four Nays by Mr. Zeiter, Mr. Blackwell, Mr. Weidemyre, and Mr. Lewis, and Ordinance No. 09-25 failed.

ORDINANCE NO. 09-27

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

Mr. Weidemyre made a motion to table Ordinance No. 09-27. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-27 was tabled.

ORDINANCE NO. 09-34

(SECOND READING) 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.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 09-34 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. Mr. Blackwell read Ordinance No. 09-34 for the second time, by title only.

ORDINANCE NO. 09-35

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

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 09-35 on three separate days, Mrs. Hellinger read Ordinance No. 09-35 for the second time, by title only.

ORDINANCE NO. 09-36

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

Ordinance No. 09-36 coincides with Ordinance No. 09-35 and, therefore, could not be passed. Mr. Zeiter read Ordinance No. 09-36 for the second time, by title only.

At 7:54 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. Weidemyre. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council