

Regular

October 1

2009

Ontario City Council met in regular session on October 1, 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; Service/Safety Director Charles Au; Recreation Director Janet Van Cura; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Blackwell made a motion to strike from the minutes of September 17, 2009, the paragraph beginning with "Resolution 09-17" on page 6265. Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to amend the minutes was approved.

The minutes of the regular Council meeting of September 17, 2009 were presented for approval as amended. Mrs. Hellinger made a motion to approve the minutes and Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Larry Arnold, 2385 Whitney Avenue, came before Council to say: I come to talk about Ordinance No. 09-54 that you will be discussing. I discussed this last Council meeting regarding some of the concerns that I have. I live down the street from a property that I believe may be indirectly impacted by this particular ordinance. Earlier this year, when the property went up for sale there were concerns because a developer wanted to develop the property. Obviously there are a lot single family homes so we were against that, the R-3 zoning. When the developmental plan was presented at Planning Commission there were several of us that went, and as a concerned citizen in front of a public committee, I thought we would be able to talk, we weren't allowed. Planning Commission did not allow us to talk. There were three or four people who received invitations and they were the only ones who were allowed to talk. I'm sure that's part of public record but they decided they did not want to hear from the citizens, they invited three or four people that were part of the Homeowners Association and they were the only people allowed. We couldn't express our views or our concerns. We also brought it in front of this particular body regarding the possibility of changing the zoning from R-3 to R-1 and ultimately the communication back to us was, we purchased that property in that neighborhood with the understanding that it was R-3, tuff luck. From my position I'm okay with that, I did purchase the home, it was R-3, I accepted that. The point I made at the last meeting that I would make again, I accepted it under the contingencies and under the ordinances that were in place then. That being that it was R-3 with specific square footage restrictions or requirements. What I find ironic is now an outside party that has a vested interest comes in front of Planning, I'm pretty confident to say that he was probably allowed to talk, he's not even a resident of Ontario, but he was allowed to talk in front of Planning, and now this ordinance sits in front of you to change it, to decrease it. I think I'm pretty comfortable in saying I know why this wants to be changed if they can jam more apartments in plus they're lower cost. So, let's get a lot more low cost apartments in here. The only thing I'm asking this body to consider is, do we really need smaller apartments, cheaper apartments to come into Ontario? The last comment I would make is, it is growing tiresome of how we operate here, how we have to be so diligent about things like this. We get stonewalled, we're not allowed to talk in Planning. We think everything is quiet, we lost our case, it stays R-3, we quiet down. Now, I'm back in front of you six months later because behind the scenes we've got someone who was allowed to talk to the Planning Commission and they are trying to put an ordinance to benefit them. How many times do we have to get in front of this body and talk about this particular issue just to benefit that outside party? Let's let it rest, let's keep the ordinances the way that they are, keep the zoning the way that it is, and be done with this instead of us having to continue to come up here for this particular issue. Thank you.

Regular

October 1

2009

Andy Psimer, 683 Villa Drive, representing The Villa's of Ontario, was next to approach Council: Quite a long time ago when they tried to change the zoning they said there is no need to change the zoning because it had been in for a long time. I'm assuming the laws and the zoning have been in for a long time so I see no reason to change those. Another thing, smaller apartments mean lower income apartments and could affect our schools, our crime rate, or lower property value. I know for a fact there is a gentleman on the Zoning Commission that moved from his house many years ago because a double was built beside him but now he has no problem with apartments going across from us. I hope and pray that this Council makes the right decision on this very important vote because it could affect us all later on. Thank you.

Mervin Shaffner, owner of Shaffner Realty, stood before Council to say: I'm the one that asked for a meeting with the Planning Commission about the square footage and the amount of units per building. (Mr. Shaffner circulated pictures of an apartment complex to Council) This is a complex that is in Lexington. To the Mayor and to Council, this city has its challenges like everybody else. One of the places that I possibly see some growth is the college and I hope we get more growth in Ontario. I want to make it very clear right now, I am a realtor, I have no interest in this financially. My son and I own properties on Yeager Drive and they are zoned R-2 for our condo project. I have no property that I want to convert to R-3. The only thing I am asking Council is this, at this point this only affects the R-3 area. You need some more income because I don't need to tell you you're losing some and I really hate to see that happen. But, if you look at Lexington and you look at the complex as you go into Lexington, there's seven buildings with twelve units per building and of the twelve, eleven are two bedrooms and one of the units is a one bedroom because they have laundry facilities in each area. You can drive by that operation at Lexington, Route 42 and 97 and you can go down 97 and there is another complex there. I'm not here to destroy this town. I went before Planning Commission, I requested a meeting with them and I went to them May 13th and expressed my points of view about lowering the square footage of a two bedroom from 1,000 and they suggested 900. Right now, you're looking somewhere between \$80 to \$100 per square foot so I don't see where this is going to destroy a neighborhood or affect a neighborhood. You have to do what you feel is the best for your city and there are only three places that are zoned R-3: one is the high school, August Drive, and Ferguson Road. I feel that you need to open the door a little bit because you have some possibilities to pick up some additional income without destroying it. There is a complex on Ferguson Road now that has twelve units per building, and the ones on August by the Home Depot, and some apartments behind Pep Boys. I have nothing in my pocket financially other than I am concerned about the City of Ontario because I also have a big investment out here and, we, like everybody else, have got some major challenges. Thank you for your time.

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

COMMITTEE REPORTS

Mr. Williams said he has information pertaining to the lift station that he will discuss at another time.

Mrs. Hellinger reported on the Utilities Committee meeting held at Gorman Rupp on September 30th. This was a very educational meeting and they provided a lot of material.

Mr. Zeiter, Mr. Blackwell, Mr. Weidemyre, Mr. Lewis and Mr. Cinadr had no report this evening.

Regular

October 1

2009

MAYOR'S REPORT

Mayor Bender reported on several items.

- The Mansfield/Ontario/Richland County Health Department will have seasonal flu shots available at City Hall on October 9, 2009, 1:300 – 3:00 p.m., in the Community Room. The cost is \$20 for adults, \$10 for children six months to eighteen, and it is requested to bring your driver's license, Medicaid or Medicare cards.
- Trick or Treat night in Ontario will be October 29th from 5:30 p.m. to 7:00 p.m.
- The Police Department is to be congratulated for recently solving numerous burglaries in the area and also for catching the child molester who was in the Target and Best Buy stores.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

RECREATION DIRECTOR'S REPORT

Mrs. Van Cura reported on the following:

Honkin' Haulin' Hands On Trucks. This new activity will be held October 25, 2009 from 1:00 – 3:00 p.m. Service trucks, such as a fire engine, ambulance, rubbish truck, snow plow, front-end loader, school bus and dump truck will be on display at Marshall Park for children to explore. There is no charge for this activity.

Family Swim. This program will begin November 2nd and continue through March on Monday evenings from 7:00 – 8:20 p.m. Waiver forms are needed in order to swim and children younger than 4th grade must be accompanied by a parent. There is no charge for Ontario residents.

33rd Ontario Community Craft Show. The show will be held on Saturday, December 5th, at the Richland County Fairgrounds from 8:30 a.m. – 4:00 p.m. There are still a few vendor spots available. The Ontario Lions Club will be collecting toys and money for Richland County Toy Time.

MISCELLANEOUS MATTERS

Mr. Metzger announced the Richland County Food Drive will be held October 23rd and 24th from 8:00 a.m. – 5:00 p.m. each day to restock the local food pantries. Food donations are being accepted at Graham Chevrolet or contact Doc Stumbo at 419-529-1260 to make arrangements to have items picked-up. The Ontario Growth Association will be opened to accept donations on Wednesday, October 21st, from 5:00 -7:00 p.m.

Regular

October 1

2009

CONSIDERATION OF ORDINANCES AND RESOLUTIONS**RESOLUTION NO. 09-18**

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Resolution No. 09-18 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 Resolution No. 09-18 for the first time, by title only.

Mr. Cinadr made a motion to adopt Resolution No. 09-18. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 09-18 was adopted.

RESOLUTION NO. 09-19

A RESOLUTION OF APPRECIATION TO ORVAL BEMILLER JR. AFTER MANY YEARS OF SERVICE TO ONTARIO.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-19 on three separate days. Mr. Zeiter seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Resolution No. 09-19 for the first time, in its entirety, by title only.

Mrs. Hellinger made a motion to adopt Resolution No. 09-19. Mr. Williams seconded the motion. Mr. Weidemyre expressed his appreciation for the guidance and mentoring he received from Orval Bemiller. Seven members cast their votes Aye, zero Nay, and Resolution No. 09-19 was adopted.

RESOLUTION NO. 09-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THIS CITY WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SNOW AND ICE REMOVAL SERVICES ON US 30 AND STATE ROUTE 314.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-20 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. Lewis read Resolution No. 09-20 for the first time, by title only.

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

ORDINANCE NO. 09-53

AN ORDINANCE AMENDING ORDINANCE 06-12 SECTION 1. A. AND B. REVISED RULES FOR THE USE OF THE COMMUNITY ROOM IN THE CHARLES K. HELLINGER ONTARIO MUNICIPAL BUILDING.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-53 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, one

Regular

October 1

2009

Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 09-53 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 09-53. Mr. Cinadr seconded the motion. Mr. Zeiter asked if there was interest in discussing where the \$70 fee came from. Mr. Au said the increase in fee was in relationship to the increase in pavilion rental along with the manpower needed to prepare the room and provide clean-up. Mr. Williams did not feel this amount was out of line for rental fee, paper supplies and hidden costs. Mr. Weidemyre added, this is the people's building and the people's room. Mr. Zeiter asked again if anyone wanted to discuss the fee. Three members cast their votes Aye, four Nays by Mr. Zeiter, Mrs. Hellinger, Mr. Lewis and Mr. Weidemyre, and Ordinance No. 09-53 failed.

ORDINANCE NO. 09-54

AN ORDINANCE AMENDING SECTIONS 1137.03(F)(1) AND 1141.01(C) KNOWN AS THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 09-54 on three separate days, Mr. Blackwell read Ordinance No. 09-54, for the first time, by title only.

At 7:43 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. Lewis. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council