

Regular

December 3

2009

Ontario City Council met in regular session on December 3, 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; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Charles Au; Director of Engineering Jerrod Swinehart; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

The minutes of the regular Council meeting of November 19, 2009 were presented for approval. Mr. Blackwell made a motion to approve the minutes and Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

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

COMMITTEE REPORTS

Mr. Blackwell reported on the combined Personnel and Finance meeting held November 24th to review the health insurance for the City employees. Action was taken to have legislation prepared for tonight's Agenda. A motion also passed to have legislation prepared for this evening to increase the Income Tax Refund line item.

Mr. Weidemyre announced the OGA Holiday Lighting Contest will take place on December 16th. The Ontario School District is providing a bus for touring the participating homes for judging. The bus will depart the OGA office on W. 4th Street at 7 p.m.

Mr. Cinadr encouraged everyone to attend the Community Craft Show on December 5th from 8:30 a.m. until 4 p.m., at the fairgrounds.

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

MAYOR'S REPORT

Mayor Bender explained that Resolution No. 09-24, pertaining to the repaving of State Routes 309 and 430, is mandated by the State of Ohio. The State did the engineering and is in charge of the project. Mayor Bender encouraged the passage of this resolution to allow time to complete the paperwork which must be submitted by December 28, 2009. Bids for this project will be on January 13, 2010, with construction beginning as early as March.

Mr. Zeiter asked if an update was available on the Shangri-La Lift Station. Mr. Au said a \$15,000 claim has been turned in to our insurance. The problem was two-fold, the system malfunctioned and the homeowner's back-water valve failed. Steps are being taken to ensure there will not be a reoccurrence.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

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LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

MISCELLANEOUS MATTERS

Mr. Zeiter made a motion to approve payment to the Law Director, in the amount of \$449.08 for back wages from 2003, to be paid from the Contingency Fund, 101-9099-52499. Mr. Weidemyre seconded the motion, and the motion passed unanimously.

Mr. Blackwell made a motion to pay the two bills presented for Calfee, Halter, and Griswold. One in the amount of \$4,387 (the McClaran case, invoice dated December 23, 2008) and one in the amount of \$2,689.70 (2007 TIF Matter, invoice dated December 23, 2008). Mrs. Thomas said the TIF amount comes out of Economic Development and is repaid with the TIF money that is collected. Mr. Cinadr seconded the motion. Mr. Lewis asked if the two issues could be separated. Mrs. Thomas said, it is not costing the City additional money because she has the money in her line item. Mr. Lewis questioned the year delay in invoicing over \$4,000. Mr. Blackwell expressed that he did not wish to change his motion. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Lewis, and the motion passed.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS**RESOLUTION NO. 09-23**

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO AWARD A CONTRACT FOR HEALTH, HOSPITALIZATION, AND PRESCRIPTION DRUG INSURANCE, FOR CITY EMPLOYEES AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-23 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay and the motion passed. Mr. Williams read Resolution No. 09-23 for the first time, by title only.

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

RESOLUTION NO. 09-24

THE FOLLOWING FINAL RESOLUTION ENACTED BY THE CITY OF ONTARIO, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-24 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay and the motion passed. Mr. Zeiter read Resolution No. 09-24 for the first time, by title only.

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

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ORDINANCE NO. 09-58

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

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-58 on three separate days. Mrs. Hellinger seconded the motion. Seven members cast their votes Aye, zero Nay and the motion passed. Mrs. Hellinger read Ordinance No. 09-58 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 09-58. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-58 was adopted

ORDINANCE NO. 09-59

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

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 09-59 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay and the motion passed. Mr. Blackwell read Ordinance No. 09-59 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 09-59. Mr. Weidemyre seconded the motion. Mr. Lewis felt the person who wanted this should be present to explain what it is about and not wait until the last minute to have it delivered the day before they are to vote on it. There isn't anything wrong with where the money is going, just the way that it was handled. Seven members cast their votes Aye, zero Nay, and Ordinance No. 09-59 was adopted

At 7:16 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