

Regular

September 17

2009

Ontario City Council met in regular session on September 17, 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; Assistant Law Director Ryan Hoovler; Service/Safety Director Charles Au; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Blackwell made a motion to excuse Mayor Bender and Rebecca Thomas from this evening's meeting. Mr. Williams seconded the motion. At roll call, seven members vote Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of September 3, 2009 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Cinadr 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 noticed the two ordinances that are going to be read tonight don't happen to be the item I want to speak on. On Ferguson Road there is a piece of property that is currently zoned R-3. If you recall, there was much discussion from community members at the Council meeting during the public commentary of wanting to get that changed from R-3 to R-1. When we attended the Planning Commission meeting the only folks allowed to discuss or make public commentary were people directly adjacent or across from that piece of property. I live down the street, I'm still impacted, I drive by it every day, but I wasn't allowed to speak. Ultimately, the deciding factor, I think, at least one comment that was made, was that folks in that area that purchased their properties bought it with the knowledge that was existing R-3 property. The reality of it is, they are right, and many of the citizens of the community let it die at that point. Understanding that you don't want to get into a situation where, if you don't like Mr. Williams, you rezone his property. The mentality made sense. But now, we're going to have an ordinance, or ultimately a change, a proposed change from Planning. It is a third party coming to Planning, not the owner of the property, and they are allowed to speak. They don't live on the street and want to change the size restrictions on the apartments for R-3. The ordinance now calls for certain size apartments to be built under R-3. They are wanting to reduce the size to fit more apartments. Two comments. The first is, how is that third party able to come to Planning and discuss it in front of Planning, they don't even live there? They were allowed to talk. I'm a citizen of the community in Ontario, I'm not even sure this person is a citizen of Ontario and they brought it in front of Planning and they were allowed to discuss it. I come to it, I'm a citizen, I live in the neighborhood, and I couldn't talk about it. The second is, I'm going to use the same comments that were read to me as the justification of why they were keeping it R-3. And, I would ask you to consider it when it comes in front of you. I bought the property with the understanding that it was R-3 with the existing size requirements. Not with the expectations that an outside third party would be coming in and changing it. What's good for the goose is good for the gander. I ask you to consider those comments when that piece of legislation comes to you for a vote or a consideration that things are considered fairly.

Next to come before Council was Scott Grove, 26 N. Sunset Road, to say: I'm new to the neighborhood and definitely have not been to a meeting before. I just had an altercation with some young kids where the law was brought in this evening and I talked with the officer who said there was a City Council meeting tonight. My concern is about living on N. Sunset, I have only been there three months. The amount of traffic that goes through there is not so much the problem as the speed. They fly up and down that road and I have had an incident where I went after this gentleman this evening to have a talk with him. I have done that with two others, they have been very polite, very nice to deal with. They actually live in the apartments behind Home Depot. That's fine to cut across. I have kids, the whole neighborhood down there has

Regular

September 17

2009

kids. I understand with the loss of officers and with the times but what is a person like myself suppose to rightfully do in those situations? This kid and another car that was involved just hauled. I grew up in the country and just moved here but I want to do the right thing. I can't stand by and watch cars run up at 45 m.p.h. in a 25 m.p.h. zone when there are at least a dozen or more kids in that short of stretch. Mine's only seven and I'd sure hate to see something happen to him. We were very happy moving to Ontario because of the school system, we love the location we're at, it's a great little road and area to live in. There are things I'm getting accustomed to being inside a City, that is a very huge concern of mine and I wanted to bring it to your attention this evening.

Mr. Zeiter directed Mr. Grove to speak to the Service/Safety Director who is responsible for the Police Department.

Fred Kohler, 1482 Lex-Springmill Road, stood before Council to say: Several months ago there was a discussion about our books not balancing. I know there was some activity to hire outside people to help resolve that issue. My question tonight is, have we resolved that issue? Do we know where we stand with that issue? If not, what is our resolution to this issue?

Mr. Zeiter replied to Mr. Kohler. This evening we heard from our independent auditor Julian & Grube who is not only responsible for helping us prepare our 2007/2008 returns but also doing the City's audit and helping the Auditor and Treasurer with the reconciliation of the bank accounts. As of tonight, we were told everything is in order, the returns have been filed. I can't tell you exactly how much the additional fee was to do that. I think in excess of \$15,000 and probably less than \$20,000.

In response to Mr. Kohler's question as to what caused us not to be able to keep the books, Mr. Zeiter replied there were a number of different reasons. The independent auditor was confident we will be able to do this on our own without incurring additional charges. The timing of statements was an issue and a couple of areas of improvement were recommended such as reporting monthly as well as a yearly audit instead of every other year. The full report is on the website of the Auditor of State.

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

COMMITTEE REPORTS

Mr. Williams announced a Utilities Committee of the Whole meeting for September 30, 2009, at the Gorman Rupp facility, to discuss information and concerns about the pump selection for the Home Road Lift Station.

Mr. Zeiter reported on the Finance Committee of the Whole meeting held this evening. The independent auditor from Julian & Grube provided findings and opportunities for improvement. Also, there is legislation on this evening's agenda to increase the amount in the income tax refund account.

Mrs. Hellinger requested a document of appreciation be prepared and presented to the widow of Orval Bemiller for his dedication to Ontario.

Mr. Cinadr reported on several items.

- He attended the Richland County Economic Development meeting. Richland County will be pursuing grants for stimulus money.
- Today is a designated holiday recognizing the U.S. Constitution and new U.S. citizens.
- He attended the Postal Regulatory Commission. For the first time they held public hearings outside of Washington D.C. and the subject matter was the closing of stations and branches. Mansfield had two stations on the list: Lexington and Lincoln. Lexington was removed from the list but the Lincoln Branch still remains.

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

Regular

September 17

2009

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au made the following announcements.

- Trick or Treat will be held October 29th, 5:30 – 7:00 p.m.
- Flu Shots for the Swine Flu will be given in the Community Room by the Health Department on October 9th, 1:00 – 3:30 p.m. Identification will be required and there will be a charge for the shot.
- Leaf pick-up will be mid-October; the exact dates will be announced later.

LAW DIRECTOR'S REPORT

Mr. Hoovler had no report.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS**ORDINANCE NO. 09-51**

(SECOND READING) AN ORDINANCE INCREASING WATER AND SEWER RATES FOR THE CITY OF ONTARIO.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-51 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Resolution No. 09-51 for the second time, by title only.

Mr. Williams made a motion to adopt Resolution No. 09-51. Mr. Blackwell seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 09-51 was adopted.

ORDINANCE NO. 09-52

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

Mr. Williams made a motion to amend Ordinance No. 09-52 by increasing the Income Tax Refund line item from \$36,200 to \$85,000. Mr. Zeiter seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 09-52 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. Zeiter read Ordinance No. 09-52 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 09-52. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 09-52 was adopted.

At 7:37 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