

## Regular

December 17

2009

Ontario City Council met in regular session on December 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, Mayor Kenneth Bender, Law Director Rebecca Thomas, and Clerk of Council Cathy VanAuker. Treasurer Linda Stoodt, Director of Engineering Jerrod Swinehart, and a number of interested citizens were present in the audience.

The minutes of the regular Council meeting of December 3, 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. Zeiter scheduled an Organizational meeting for the Council of the Whole on January 7, 2010, at 5:30 p.m.

All Council members expressed Holiday greetings to everyone and thanked the outgoing elected officials for their leadership, dedication and hard work they gave to the City of Ontario.

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

**MAYOR'S REPORT**

Mayor Bender reported on several items.

- The Mansfield/Ontario/Richland County Health Department is having two of their five H1N1 flu shot clinics on December 21, from 1:00 p.m. until 6 p.m. at Wooster Heights Elementary School and December 30, from 9:00 a.m. until 7 p.m. at the Health Department in Mansfield.
- Mayor Bender distributed two reports. The first report highlighted the City's accomplishments from 2006 until 2009, and the second report covered the General Motors closing beginning in June 2009. He did not feel this plant should have been closed and there was overwhelming evidence indicating this was the best plant in the system.
- During his meetings with state officials he stressed that communities the size of Ontario should be given preference on any federal stimulus money in the State of Ohio. The closing of a General Motors plant in a smaller community should be criteria to become more eligible for funding.
- Meetings with representatives from the Ohio Department of Transportation and the Ohio Department of Development concerning the repaving of St. Rt. 309 and St. Rt. 430 (Park Avenue West). Positive feedback indicated the City could receive either in part or whole the City's portion of the paving project which is approximately \$803,000. The State is going out to bid in early January. The infrastructure repairs will be first with paving in March.

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- The passage of the Safety Tax will be a tremendous help for the budget next year.
- Mayor Bender thanked everyone for their support and all of their work during the past four years. He wished everyone a Merry Christmas and a safe and happy New Year. Mayor Bender thanked all of the employees in the City of Ontario, they have done an outstanding job and always go above and beyond the call of duty in every occasion. In closing, he wished the new Administration well and to continue to work hard because everyone wants to see the City prosper.

Mr. Weidemyre asked if the stimulus money could be used for widening Park Avenue West. Mayor Bender responded that improvements on a state route are the responsibility of the City and the estimated cost was \$3 million. Ontario was fortunate to receive a \$30,000 Safety grant to lengthen the west bound left-turn lane on St. Rt. 309.

Mayor Bender encouraged Council to consider the \$222,000 grant for the Home Road Lift Station.

#### **LAW DIRECTOR'S REPORT**

Mrs. Thomas presented information current to December 14, 2009.

- On January 1, 2009, 113 criminal cases were pending from 2008. There are currently 88 cases pending.
- There were 1,455 charges against 1,135 people in 2009. This number is up from last year and does not include the holidays for this year.
- Bonds will be closing on December 22, 2009 for the TIF project. All documents have been signed.
- She is still waiting on a decision on the Briner #1 case from the 6<sup>th</sup> Circuit Court of Appeals. The Briner #2 case is in the discovery stage with depositions after the first of the year. These cases originated in 2004 and there has been \$125,000 in legal fees this year.

#### **MISCELLANEOUS MATTERS**

#### **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

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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.

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.

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Clerk of Council