

Regular

October 15

2009

Ontario City Council met in regular session on October 15, 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, Leon Blackwell, Mark Weidemyre, Barry Lewis and Joseph W. Cinadr; Mr. Metzger; Law Director Rebecca Thomas; Service/Safety Director Charles Au; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Zeiter made a motion to excuse Mrs. Hellinger from this evening's meeting. Mr. Blackwell seconded the motion. At roll call, five members voted Aye, one Nay by Mr. Lewis and the motion passed.

The minutes of the regular Council meeting of October 1, 2009 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Lewis seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Dallas Strickler, 540 Shelby Ontario Road, came before Council to say: I'm here tonight as the Zoning Inspector. I want to clarify a few things about Ordinance 09-54. I've heard a lot of negative comments about that and I think a lot of the comments are coming from people who are pointing fingers. As you all know, the purpose of zoning is to prevent the overcrowding of land and avoid the undue concentration of population by creating zoning districts. They have to be consistent with the Master Plan for the City of Ontario. The question is, how do they do that? They do that by adopting regulations that control the types of uses in those districts. They control the bulk density in dimensions of those uses. At the September Planning Commission meeting the Commission made a recommendation to Council to increase the number of living units in one building from six units to eight and to reduce the required square footage of living space for apartments as follows: a one bedroom apartment would be reduced from 1,000 sf to 800 sf; a two bedroom from 1,100 sf to 900 sf; a three bedroom from 1,200 sf to 1,000 sf. These recommendations are the result of several months of study. There was no change to the density ever considered, there was no change to the number of floors ever considered, those remain the same. That means the number of dwelling units per acre (which is density) will remain the same for a two bedroom apartment in the City of Ontario for a development of two bedroom apartments. The density is approximately 8.6 units per acre. For your information, the condos on Ferguson Road, The Villas, and Scott Farms have densities of approximately 7.1 to 7.7. So we are talking, as far as apartments are concerned, about one dwelling unit per acre difference between what condos have, as you notice on Ferguson Road, and what apartments in the R-3 district would be. The main reason given by Planning Commission to increase the number of units per building was to make it more cost effective in the design of two story buildings; we can't build three story buildings but we can build two story buildings in the City of Ontario. How would you design six units in a two story building? Not very well. Cost effective, the dimensions of the lumber, the arrangements of the apartments, the stairways to get to the second floor, these all affect the cost of those buildings. I heard the comment that smaller means cheaper. That's not always true, if you look at the automobile industry you know that. Do you know that the senior apartments on Park Avenue West needed six variances in order to be built? There are three stories, there are twenty-eight units in that building instead of six, the one bedroom apartments are approximately 850 sf, not 1,000 sf. But yet that was approved and everybody was very happy about that. All we're looking for in this ordinance is to make us more competitive with other cities. Our dimensions are out of line with everybody around us and with most of the bigger communities, our size and bigger, throughout the state. The Commission, with the assistance of Mr. Shaffner who is a professional and not someone who is out here to make some money and he's not involved in anything that has to do with the R-3 district, between that research and his input, the Commission felt it was a good idea for us to increase the number of units from six to eight per building and reduce the size by 200 sf. I would like to ask you to please give this some consideration before you vote on this ordinance and if you have any questions I would be glad to try and answer them.

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

COMMITTEE REPORTS

Mr. Zeiter made the following comments.

- The City has received \$1,300,000 more than expenditures. This was due to a lot of hard work from the Administration, the employees, and Council.
- Julian and Grube recommended that Council receive a monthly reconciliation from the Treasurer and Auditor. Everyone should have received this information and he will request that it continues.
- Everyone should have received a copy of the 2010 Temporary Budget this evening. Council members were asked to review the budget and compare it to 2009. A Finance Committee of the Whole meeting will be scheduled for November 5, 2009, at 5:00 p.m. The Temporary Budget will need approved by the end of the year.

Mr. Blackwell announced a Personnel Committee of the Whole meeting will be held in conjunction with the Finance meeting on November 5, 2009, at 5:00 p.m.

Mr. Weidemyre asked if any consideration has been given to bringing back the laid-off Street workers. Mayor Bender responded that consideration has been given but there are no changes as of today.

Mr. Cinadr commented that with the loss of ReDEC they will have to consider what they will do in the future for economic development.

Mr. Williams and Mr. Lewis had no report this evening.

MAYOR'S REPORT

Mayor Bender reported on several items.

- The Springfield Township Fire Department has smoke detectors for senior citizens; they are encouraged to take advantage of this program. One unit will be installed in the home and if there is currently a smoke detector a second one will be installed. Batteries will be checked yearly. The Fire Department can be contacted at 419-529-5512.
- School Resource Officer Adam Gongwer has been appointed the new D.A.R.E. Officer for the Ontario Schools. He was selected by the instructors to be the spokesman at the 61st D.A.R.E. Officer's Training Class graduation.
- Leaf pick-up will begin October 28th. Leaves should be raked to the street but not into the street. Leaves should not contain sticks or yard waste. Do not pile leaves in front of the mail boxes or park vehicles in front of the piles of leaves which prevents crews from having access to the leaves. The last day for leaf pick-up will be Friday, November 13th.
- October 29th is Trick or Treat night from 5:30 p.m. until 7:00 p.m. Please be very careful.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

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MISCELLANEOUS MATTERS

Mr. Williams made a motion to support the Richland Mall 40th Anniversary in the amount of \$189 for a quarter page ad funded by the Economic Development Committee. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

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.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 09-54 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 09-54 for the second time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 09-54. Mr. Williams seconded the motion. Hearing no discussion, three members cast their votes Aye, three Nay votes by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis. Mr. Metzger cast a Nay vote and Ordinance No. 09-54 failed.

Mayor Bender called a point of order asking the Law Director if a simple majority over-rode the recommendation from the Planning Commission. Mrs. Thomas replied that it did.

RESOLUTION NO. 09-21

AN ~~ORDINANCE~~ RESOLUTION AUTHORIZING THE SERVICE/SAFETY
DIRECTOR TO ADVERTISE FOR AND AWARD CONTRACTS FOR VARIOUS
MATERIALS AND SERVICES NEEDED DURING THE YEAR 2010 AND
DECLARING AN EMERGENCY.

Mr. Blackwell made a motion to change the word Ordinance to Resolution in the title and also in Section 3 of Resolution No. 09-21. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Resolution No. 09-21 on three separate days. Mr. Blackwell seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Resolution No. 09-21 for the first time, by title only.

Mr. Williams made a motion to adopt Resolution No. 09-21. Mr. Zeiter seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Resolution No. 09-21 was adopted.

RESOLUTION NO. 09-22

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO BID
AND AWARD A CONTRACT FOR THE HOME ROAD LIFT STATION PROJECT.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 09-22 on three separate days. Mr. Cinadr seconded the motion. Three members cast their votes Aye, three Nay votes by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis, and the motion to

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suspend the rules failed. Mr. Weidemyre read Resolution No. 09-22 for the first time, by title only.

After a discussion pertaining to a change in the natural gas contract, Mayor Bender asked the Law Director to investigate if there are any legalities involved and see who or if anyone operated outside the sphere of their authority. The natural gas contract has been corrected. Discussion was then directed to the Home Road Lift Station which is Resolution No. 09-22 and will be on the agenda at the next Council meeting for a second reading.

At 7:35 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. Blackwell. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council