

Regular

February 18

2010

Ontario City Council met in regular session on February 18, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:03 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Larry Arnold, Charlotte Hellinger, Leon Blackwell, Mark Weidemyre, Barry Lewis and Joseph W. Cinadr; Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, Service-Safety Director Roger Heston and Clerk of Council Cathy VanAuker. Auditor Jane Hammond, Treasurer Linda Stoodt, Zoning Inspector Dallas Strickler, Water Distribution Supervisor Evan Hellinger, and a number of interested citizens were present in the audience.

The minutes of the regular Council meeting of February 4, 2010 were presented for approval as amended. Mr. Lewis made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, one Abstain by Mr. Blackwell, and the motion to approve the minutes passed.

The minutes of the special Council meeting of February 16, 2010 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, one Abstain by Mr. Blackwell, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Ben Mutti, 38 Avon Drive, distributed packets to Council and said: I am here briefly tonight to address the issue of regulation of sexually oriented businesses. I'm not here to ridicule any community or public official but I am letting you know that we have done quite a bit of presentations throughout Richland County. We've done presentations in ten different townships and tonight will be the second city we've done the presentation on ordinances that you have, we hope for you to consider. I am aware in 2005, Ontario City has done an excellent job on updating their zoning ordinances and that's excellent. Many people bring grievances to Council but I'm here to applaud you tonight. I'm also aware that Law Director Sowash is also reviewing our ordinances presently. Also, I'm here to let you know about licensing and criminal code ordinances that have been recommend by the Attorney General of the State of Ohio, which is in your packet. Most of the township trustees and the council people that we've talked with have said we have zoning in place so there is no need to worry about anything else. Based on thirty case studies they talk about secondary adverse effects affiliated with sexually oriented businesses. These case studies talked about increased crime, increase in sexually transmitted diseases, a decrease in property values and also an increase in urban blight. Those are secondary adverse effects we obviously don't want in Ontario. We have quotes from different business people, rather realtors or Chamber of Commerce people talking about how this is not good for business. Some people are very concerned about the morality of these types of businesses. The packet includes analysis from the legislation Senate Bill 19 talking about these ordinances. We've included the secondary adverse effects, recent media stories, a quote from a realtor about the effects, law enforcement correspondence, and ordinances useful for communities in Richland County. Correspondence given to Mansfield City County pertaining to enhancement of zoning and correspondence in regards to flexibility of licensing. I appreciate and applaud your proactive approach pertaining to this subject. The Richland Community Family Coalition stands to help the people. We have four townships that have already adopted these ordinances; Mansfield City Council is scheduled to vote on licensing on March 2. Thank you very much.

Mr. Sowash commented that Council has the model ordinances for review and he has contacted the Attorney General's Office. Mr. Sowash thanked Mr. Mutti for bringing them to their attention.

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Mr. Zeiter said a meeting has been scheduled for March 4th to discuss the information Mr. Mutti has given them plus information they have gathered on their own. They will discuss the licensing fees. The ordinance that is currently in place will be updated.

Next to approach Council was Cindy Hoover, 22 Rudy Road, to address Ordinance No. 10-03: I've come to the meetings for the first and second reading, and tonight is the third and final reading. You have gotten the handouts and I'm sure you've reread them, they include the agreement for Wal-Mart. The biggest concern was that once the zoning changed for the north properties that would affect the agreement with Wal-Mart, the out-lots would then be able to be sold and changed. I want to let you know that as you read that, it has to be the south side of Park Avenue versus the north side. Also, I know that several people are concerned about, why now, why does this have to happen? But, I want to reiterate to you that Park Avenue is very expansive, it's very long. From Mansfield to Galion there's just very few parcels that are no longer residential, and these three are. For that reason, we would like to make that change tonight. Not that we want to make a change to Wal-Mart and to the out-lots but just to conform as opposed to making the change now just to help get a business going that's already here and already functional and get some additional assistance.

COMMITTEE REPORTS

Mr. Blackwell reported on the joint Personnel/Finance meeting held this evening. The Personnel portion of the meeting was held in executive session.

Mr. Weidemyre addressed the Finance portion of the combined meeting held this evening where updated copies of the budget were distributed. Mr. Weidemyre requested the budget be placed on the Agenda for the next Council meeting. One change that wasn't mentioned earlier was placing the Fireworks back into the 101 account and then money will be transferred from the Economic Development fund into this line item. This change was made for proper accounting purposes.

Mr. Cinadr said he spoke to members of the Richland Economic Development Group and we do intend to play an active role with that group.

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

MAYOR'S REPORT

Mayor Collins expressed his appreciation to the snow removal team. They have done an excellent job with the continued snow. He has received many compliments from the residents, including a mail carrier.

A meeting with the Springfield Trustees on February 8th provided insight as to what they are doing, how Ontario can compliment what they are doing and work together on various issues. We have a top of the line Fire Department that is equipped to deal with most any possible emergency in our community.

Tomorrow is a meeting with the mayors of Shelby, Mansfield and Lexington to discuss how they can work together for possible solutions to areas they all have.

The Ontario Vision Team, which is to look at present and future issues, is scheduled to meet on March 9, 2010.

The budget should be ready to present at the next Council meeting.

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SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston reported the past two weeks have been difficult on the Service Department. The snow on February 5th created a number of challenges. Two trucks broke down, the salt in the truck beds got wet and hardened, and the gas pump froze up. He also received numerous compliments on snow removal.

Expenses for the snow storm included:

- 1,622 gallons of fuel at \$4,055
- 600 tons of salt at \$37,494
- 274.25 hours of overtime at \$8,776
- Equipment repairs at \$4,800
- Total cost of the storm was \$55,125

Street department employees are volunteering to be moved to the night shift for plowing and salting on a daily basis to reduce overtime costs.

The salt supply is getting low so it will be mixed with grit in non-residential areas. This will save considerable cost since salt is \$62.49 a ton and grit is \$7 a ton.

The public is reminded not to place snow from their driveway and sidewalks into the street. It freezes into a bump that is covered with new snow creating a terrible jolt to the drivers and equipment.

Currently two trucks out of service for major repairs.

There were two water line breaks, one caused by freezing and one by the gas company. The Water Department is clearing around fire hydrants; residents are asked to assist in this effort.

A minor but recurring issue at the Rock Road Lift Station on Sunday and Monday caused by an electronic part was replaced on Tuesday, this did not cause any backup.

The Police Department handled 26 crashes, one rape, and assisted 93 citizens. Due to all officers on call, the Ohio State Patrol handled one of the crashes and Shelby handled a trouble call in our jurisdiction. There were 320 total calls for service during the past two weeks.

Advertisements for bids for the Home Road Lift Station were placed in the News Journal and the Tribune beginning February 11, 2010. Bids will be opened on March 5th.

In response to questions, Mr. Heston said they are still in good shape with the grant for the Home Road Lift Station. Grit won't be used in residential areas because not only does it build up in the storm sewers there is some dirt mixed with the grit. The grit will be mixed 50/50 with the salt.

LAW DIRECTOR'S REPORT

Mr. Sowash reported on the expenditures of the Law Director's Office since restructuring. Based on information provided by the Auditor for January 2009, \$5,548.88 was paid out of the Assistant Law Director's fund. At that time, there was also a secretary with benefits which they no longer have. The total for January 2009 was \$10,231.83. In January 2010 the bill from the Assistant Law Directors was \$3,212.50, creating a savings to the City of \$7,019.33 over the previous year. Mr. Sowash said they will continue to keep expenses as low as possible and he will report frequently.

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RECREATION DIRECTOR'S REPORT

Mrs. Van Cura provided the following report.

Family Swim Program. Only three family swims remain on Monday evenings from 7:00 p.m – 8:15 p.m. with approximately forty participants.

Aerobics Class. This class was brought back at the first of the year at the Senior Center. Classes are from 6:45 p.m. – 7:45 p.m. There is a \$2.00 fee per session to pay the instructor. This does not come out of the Recreation Department this year.

Swim Clinic. The stroke clinic is scheduled for March 1st – 4th and March 8th – 11th. There is no charge for this program and is only open to Ontario students. One lifeguard and one instructor will be hired.

Easter Egg Hunt. Scheduled for noon on March 27th, at Marshall Park. The Girl Scout troops, ADIOS and NO USE kids will help stuff the eggs.

Professional CPR – Lifeguard Review. Class will be April 18th at 1:00 p.m. at the High School health room. There will be a charge for this class.

Lifeguard Certification Class. Scheduled for June 1 - 4, from 9:00 a.m. – 4:00 p.m. This class is offered in exchange for paid life guarding during the year for Family Swim and Summer Recreation.

Summer Recreation. The dates this year are June 14 – 17 and June 21 – 24. Employment applications will be available beginning March 15. Interviews will be held on April 7 and 8. Registration forms for participants will be available the first part of May.

MISCELLANEOUS MATTERS

Mr. Zeiter announced an Ad Hoc Committee of the Whole meeting will be held on March 4, 2010, at 5:30 p.m., to discuss sexually oriented businesses.

A Public Hearing will take place at the regular Council meeting on March 18, 2010, repealing Section 1145.28 Site Plan Review of the Codified Ordinances of the City of Ontario and enacting in its place a new Section 1145.28 Site Plan Review.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10-03

(THIRD READING) AN ORDINANCE REZONING THREE PARCELS ON THE NORTH SIDE OF PARK AVENUE WEST FROM R-1 LOW DENSITY RESIDENTIAL TO OS OFFICE SERVICE DISTRICT.

Mr. Lewis read Ordinance No. 10-03 for the third time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 10-03. Mr. Cinadr seconded the motion. Hearing no discussion, Council members cast their votes, one Aye by Mr. Cinadr, five Nay by Mr. Arnold, Mrs. Hellinger, Mr. Blackwell, Mr. Weidemyre and Mr. Lewis, one Abstain by Mr. Williams, and Ordinance No.10-03 failed.

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ORDINANCE NO. 10-10

AN ORDINANCE AMENDING SECTION 191.11 TAX CREDIT OF THE
CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Cinadr made a motion to table Ordinance No. 10-10. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 10-10 was tabled.

At 7:33 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