

Regular

March 18

2010

Ontario City Council met in regular session on March 18, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:12 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, 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, Zoning Inspector Dallas Strickler, Street Supervisor Paul Gleisinger, and a number of interested citizens were present in the audience.

Mr. Blackwell made a motion to excuse Mr. Weidemyre from this evening's meeting. Mr. Williams 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 March 4, 2010 were presented for approval. Mr. Cinadr 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

Dave Paone, 3120 Park Avenue West and owner of Paone Auto Sales, came before Council to say: I have a couple of questions that have been bothering me. I don't like reading the newspaper and seeing things that I don't know anything about so I came to Council to ask. I voted for a ¼% to keep our police force intact. I had everyone in our family vote. Do any of you remember what happened in November 1981? We had a police officer shot in the face because he didn't have a backup; his backup was too far away. I voted to keep our safety force the way it is. What I'm hearing in the newspaper is we're going to start eliminating some jobs in the police officers. Isn't that what I voted that ¼% for – to keep our force intact? Sounds like Council is manipulating my ¼% and I'm here representing my family and I hope some of the residents in this town. Why are we eliminating jobs in our police department? Mr. Lewis, I know you very well and I know you were a police officer. I know Mr. Heston was a police officer. What happens when it takes a little bit of time to get a back-up? Does it bother you, are you scared? That's why I voted for this ¼%. I know I wouldn't want to go out there at 2 or 3 in the morning, banging on some doors, looking for people who are stealing stuff. The economy is bad, but to get rid of our police force by eliminating jobs, it's not right. I've been in this town twenty-seven years with my car lot and I don't need to not have safety for my family and for the residents of Ontario. Could someone please tell me where my ¼% is going if we're going to start eliminating police officers or positions?

Mr. Zeiter responded: Where we stand today there haven't been any cuts within the Police Department. The ½% tax that was voted in, obviously we have to wait until the end of the year to know what that amount will be, but it was projected to be about half of the total police budget. That ½% won't fund the entire Police Department; it is only half of their yearly budget. The other half comes from the 1% that we collect. It is up to this body as to how many officers are staffed. There are FOP agreements they must comply with, but as of today, there have not been any cuts. There have been discussions, the Mayor had a proposal but I will have to defer to him if any of that has taken place. Through today, we are replacing a position that was demoted from lieutenant to patrol and that happened on Wednesday. I believe the sergeant's test was taken the other day to replace that officer. To the best of my knowledge there haven't been any cuts or any changes within the police department.

Mr. Williams responded: A dispatcher is gone. It is going to take policemen to fill the position, so that is not totally true. There are other positions that are in question, so I don't believe that statement is true. You've lost a dispatcher and you lost a parking patrol officer awhile back that was never replaced when everybody else was replaced. That's all work that the Police Department has to do. Yes, the Police Department has lost people. Now they are down with sick leaves. We have lost people and I think we may lose some more. The dispatcher is not

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going to be replaced and that will be a police officer in that position which will pull an officer off the street.

Mayor Collins interjected that in 2009 the police budget was \$2,182,571. The 2010 temporary budget prepared by the previous Administration and presented to Council took that down to \$1,992,955. The 2010 budget projects \$1,891,641 which means since 2009 to present, the Police Department has gone down \$290,930 which is different from what the News Journal reported of \$500,000. The overall budget in that same period of time has been cut \$3,519,272. What the Police Department absorbed is only a minute part of what was cut out of the budget and no personnel have been cut.

Mr. Paone continued: Ontario is not poor, there is money in Ontario, we all know that. So we lost General Motors for the time being but Ontario has money. There are ways, I'm positive if you put your heads together, to keep the Police Department intact. As a citizen, I love Ontario... I do know that we need our police force and I do know that we do not need to lose anybody. I'd love to have the parking meter person. It burns me the number of people who park in the handicap spots because there is no one to control it. Go to Wal-Mart one day and watch how many park in there. I know something can be done. We need to make sure the police force stays intact. Thank you.

Mayor Collins added: You may not be aware that 2/3 of the citizens in Ontario work somewhere else. We are dependent currently on the ones who live here and work here to give us revenue. You said we were rich with money. There may be some people who are, but right now we are at bare bones. We've cut more out of this budget this year than ever in the history of Ontario because we have to live within our means.

Next to come before Council was Officer Adam Gongwer, School Resource Officer, Patrolman Unit Bargaining Representative to say: To clarify Mr. Paone's comments and to benefit the media, tonight's budget, does it include or does it not include two cuts in positions at the Police Department? The 2009 budget has us at five dispatchers and twenty-one officers including the Chief. Tonight's budget, if it is passed, will put us at four dispatchers and twenty officers. It does not physically lay somebody off but I want to make sure the media knows with the ½% tax you are still reducing the dispatcher salary and benefits, and the patrolman salary and benefits, that will limit us from replacing a dispatcher and a patrolman. This means we have one less dispatcher and one less patrolman and we have a patrolman filling a dispatcher spot to answer telephone and dispatcher calls. You will physically have two less officers on the street if you pass this budget. Is that true?

Ms. Hammond said the salary is still in place. When she asked how that number was figured because the budget only shows salaries, Officer Gongwer said it was discussed with him that \$95,000 was being reduced out of the patrolman line item. Mayor Collins said that was not correct. Officer Gongwer replied, then we only have a reduction in a dispatcher in the line item that covers salary and benefits. Mayor Collins said he was not sure of that.

Officer Gongwer continued: At Thursday's Finance and Personnel Committee meeting it was brought up there was a reduction in insurance and salaries for the 2010 line item for dispatchers because she had resigned and it was not your plans to fill that position, to leave us with four dispatchers. I've also been told by several people there was going to possibly be a reduction in the police line item. If there's not, I apologize. The reduction in dispatcher will take at least one officer off of the street. I appreciate the fact that we are not reducing the police line item, if that's the case. I would suggest that we reconsider the reduction of the dispatcher line item as well, if at all possible, in tonight's proposed budget. Thank you.

Auditor Jane Hammond came before Council to say: I love the police more than anybody and I've had to have them several times. I think you're not giving them enough credit. When the snow was 61" last month did we cut from the Streets so the cops can't get where they are going? There is only so much money. I feel bad that they have to decide this but you have to realize, that it is still only so much money. We are not as rich as people think we are. We are down to having to live within our means and that means is what you see on that budget. You've

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seen it, that's all we're going to get. GM is a huge hit to the City and until somebody and about 3,000 workers go out there, we're in the same position. They have a tuff job. You don't want your streets fixed? What do you choose, water and sewer? You're talking about one department, the police, they make up one section of the City. The rest, water, sewer, parks, there's a lot involved in the City. Thanks.

Ron Dille, Rock Road, was next to come before Council to say: I have a two-fold reason for stepping in front of the mic tonight. First of all, thank you for your comments about the military. I talked to Councilman Arnold about that and I appreciate your consideration for that. When I voted for the percentage tax increase to keep our Police Department intact, I happened to be sitting in a familiar place that most of you have read about but haven't been there, it's called Iraq. While I was there, I did some soul searching and decided we need to keep our Police Department intact. I made the effort while I was on military active duty to make sure my vote counted. I would ask for you folks to make sure that you consider those folks that have made a sacrifice for our taxes here and to keep our Police Department intact. Thank You.

Magistrate Amy Skropits, was next to stand before Council to say: I'm here tonight because it has come to my attention that you will be looking at an ordinance approving a pay package for our Clerk of Courts position for Janet Yeager-Swain. I'm asking for your support in this ordinance tonight. Our court needs a clerk that has experience and knowledge and this is experience and knowledge that Mrs. Yeager-Swain brings to this job. She's currently the President of the Northwest Ohio Clerks Association. In that capacity she trains all the clerks in Northwest Ohio for that job. She knows her job better than anybody else I have ever met. As you are all aware of by now, we have over half a million dollars in fines that are uncollected from our Mayor's Court. I don't understand how this all came about, that was before my time in my position. Since Mrs. Yeager-Swain has been in her position she has collected \$9,643 of that past money; that's been in about two and a half weeks. She's been here two and a half weeks and I can tell you that the court room is running much, much more smoothly. I'm asking that you support her and support the Clerk of Courts. This is an opportunity to have an employee that has the knowledge and the skills that the court needs to run efficiently. Also, I think she can do a lot for the City's budget. Half a million dollars, I think we could probably do a lot with that. Thank you.

Michelle Webb, Captain with the Mansfield Police Department, was next to stand before Council to say: I know more than most that we have to live within our budget and live within the City's budget as well as the Police Department. That's why the citizens of this community voted for that tax levy. They thought enough and supported the Police Department enough to pass that levy. I supported it, I voted for it, I put a sign in my yard which I normally don't do, and all that I'm asking is that you do whatever you can to keep those policemen on the street and use that money for what the citizens wanted, use it for its intended purpose. Thank you.

COMMITTEE REPORTS

Mr. Arnold scheduled a tentative Parks Committee meeting for March 22, 2010, at 4:45 p.m. They will be meeting with Ontario Youth Sports and the Service-Safety Director.

Mrs. Hellinger said she attended the Richland County Tax Incentive Review Council on March 17. The City had two businesses connected with this meeting. Skilken is up to date and paid to the schools. General Motors had one agreement run out and requested the other agreement cancelled.

Mr. Blackwell said as the result of the joint Finance and Personnel Committee meeting held on March 11, 2010, the budget is on this evening's agenda. The Mayor announced the budget is balanced to the projected income, therefore, no additional cuts were needed in personnel or hours.

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

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MAYOR'S REPORT

Mayor Collins reported on several items.

Motors Liquidation, who currently owns the General Motors Plant, conducted a meeting where they announced to the Richland Economic Recovery Team that General Motors would occupy the building until December 31, 2010.

- They are trying to find a tenant for the building. Otherwise, they will attempt to sell the building, and if that should fail, they will demolish the building.
- The community has an opportunity to take control and there is money available from Motors Liquidation; when that occurs is up to Motors Liquidation.
- Today there was an interested party through the building and last week he received a call from another interested party which will be passed on to Motors Liquidation.
- EPA requirements will be met at the responsibility of Motors Liquidation.

Ontario has been recognized by the Arbor Day Foundation as a Tree City for the fifth consecutive year for its commitment to urban forestry.

The Ontario Vision Team met on March 9; fifteen citizens and leaders of the community attended. Mayor Collins deferred to Mr. Cinadr for the report.

- The next meeting will be on April 6, 2010.
- Assets of the City are being listed as to what makes it unique and what should attract businesses and residents to Ontario.
- There is sufficient retail but new retail would be welcomed. They would like to emphasize on manufacturing and industry coming to Ontario.
- In future meetings they would like to address not only the strengths of the City but also the weaknesses.
- Any input is welcomed from interested citizens to help promote this City.
- Mayor Collins said anyone is invited to become involved in one of the twenty sectors. They are attending the government sector.

Mayor Collins announced the Neighborhood Watch meeting will be April 13, 2010, at 6:30 p.m., at the Ontario United Methodist Church.

Information was made available for the upcoming Street Smart Drug Seminar for Adults. This program is free of charge and conducted by the Franklin County Sheriff's Department.

Mayor Collins encouraged everyone to complete the census forms because it affects the population and revenue received.

Mayor Collins presented a Proclamation to Carla Rumas, Director of Therapy Services at Newhope Industries. Ms. Rumas shared how the support to this organization was able to supply an Ontario High School student with a power chair that provides him the opportunity to stand up in front of his classmates and also move through the hallways level with his peers.

**DEVELOPMENTAL DISABILITIES AWARENESS MONTH
MARCH 2010**

Individuals with developmental disabilities, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

Whereas: the most effective way to increase this awareness is through Everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and

Whereas: opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered; and

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Whereas: we encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment, volunteering, and recreational activities; and

NOW, THEREFORE, be it resolved that I, Larry C. Collins, do hereby proclaim March, 2010 as

Developmental Disabilities Awareness Month

And recognize that people with developmental disabilities are “just like you.” Please take the time to get to know someone with a disability and see what he or she has to offer.

IN WITNESS WHEREOF, I hereunto
set my hand and caused the seal of the
City of Ontario to be affixed this 18th
day of March in the year of our Lord
Two Thousand and Ten.

Larry C. Collins, Mayor

SERVICE-SAFETY DIRECTOR’S REPORT

Mr. Heston reported on the following items.

Engineering Department

- The lowest bid for the Home Road Lift Station was \$351,418 which is lower than the original estimate by \$46,736. This amount includes a prefabricated building to house the pumps.

Water Department

- A water main break on Walker Lake Road and Victoria Court was repaired.
- Meter readings for this period have been completed. There were 148 zero-usage readings that needed checked.
- There were 10-15 meter and firefly repairs.

Parks Department

- City parks were officially opened on Monday and spring clean-up has begun.

Streets Department

- The Rock Road Lift Station was heavily taxed due to the large amount of melting snow on March 10. Both pumps were running plus an auxiliary portable pump.
- An estimated 150,000 gallons of water went into the receiving Clear Fork tributary.
- On March 13, rain and melting snow caused high ground pressure and the same lift station needed attended to. This took 22 hours to pump 240,000 gallons of water into the stream.
- The lift station near Shafer Valve sent an alarm to the Police Department due to an overheated pump and had to be worked on. The cost for this day was 23.25 hours of overtime for \$792 and 40 gallons of diesel fuel.
- Both overflows were reported to the EPA as required by law.
- A plan is currently being worked on to alleviate this problem.

Police Department

- Howard Thomas was promoted to the rank of lieutenant.
- A promotional exam was given to three officers for sergeant on March 13.
- There were 22 crashes, 4 were hit-skips and three involved injuries; 23 alarm drops; 38 arrests for a total of 347 calls.
- A hostage negotiator was sent to the ASORT/ SWAT Team on the execution of two high risk drug and weapon search warrants.

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- An arrest was made last Monday night on the possession of bomb making materials. Charges are pending.
- We now have a rapid ID unit for criminal investigation that was obtained through a Homeland Security grant. This is a hand held device that allows fingerprints to be obtained in the field and transmit them to BCI, FBI and NCIC.

Mr. Swinehart responded to questions:

- The apparent low bidder for the Home Road Lift Station was Buckeye Excavating in Norwalk.
- Even though the bid amount is lower, the grant amount will not change.

LAW DIRECTOR'S REPORT

Mr. Sowash assured Council he would research the definition of *active* and have either an opinion or an ordinance for them. He will meet with Mr. Strickler to discuss unregistered vehicles and prepare a draft for them to consider.

MISCELLANEOUS MATTERS

Mr. Zeiter announced two Public Hearings that will be held before the City Council at 7:00 p.m., May 6, 2010, at the Ontario Municipal Building, to amend the City Zoning Ordinance as follows:

1. Amending Chapter 1146 by adding to Section 1146.09(d) Permit Fees dealing with signs installed prior to the issuance of a required permit.
2. Amending Section 1146.02 Definitions to include "Free-Standing Signs", "Post and Panel Signs" and to redefine "Ground" and "Pole" Signs.

The City of Ontario Planning Commission has recommended in favor of these changes. All persons interested in these issues are invited to attend and express their views.

PUBLIC HEARING

Repealing Section 1145.28 Site Plan Review of the Codified Ordinances of the City of Ontario, Ohio, and enacting in its place a new Section 1145.28 Site Plan Review.

Mr. Zeiter said there were no signatures on the sign-in sheet to speak during the Public Hearing for the Site Plan Review. Asking again if anyone was interested in speaking and hearing no one, Mr. Zeiter opened and closed the Public Hearing at 7:58 p.m.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10-13 – (SECOND READING) AN ORDINANCE ESTABLISHING PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010 AND EXPIRING DECEMBER 31, 2010.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-13 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. Mrs. Hellinger read Ordinance No. 10-13 for the second time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 10-13. Mr. Cinadr seconded the motion.

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Mr. Williams said he appreciated the concerned citizens who came out in support of the police. He felt that was the only department that was cut and as a concerned citizen, as a Council member, and as a father, it is no secret my son is a police officer, it is a very personal issue. When you cut this department, when you take out a dispatcher, you have to replace them with officers. I know we need to enact this budget but I also know it's not in concrete. I would like to let these officers know that things can change even though we pass this tonight; things down the road can change concerning the Police Department. Don't give up all hope. I'd like to say, I believe we have to pass it but I'm not comfortable with it, I'm not comfortable where we cut and how we cut.

Mr. Lewis said he too was concerned with the budget. I'm going to vote for it with reservations and a very close eye with what we're doing the first quarter of this year. This thing is not right, there's monies in there that shouldn't be listed as income, we're just going to keep a real close eye on it and we'll vote on it.

Mr. Cinadr said he agreed with Mr. Lewis. He has reservations about certain line items but he will vote for this so we are in compliance with the law.

Mr. Blackwell said, we didn't cut anywhere else and the revenue showed at the Committee meeting that the money is there, there is no need to cut manpower. If we're cutting the police we shouldn't be. They should be replaced. We didn't cut the Streets, we didn't cut anybody else or any hours and we certainly shouldn't cut the police if we have the funds. I know we're going to pass the budget tonight because we have to and I know the budget is subject to change. It bears looking at to make sure the Police Department is handled fairly with the other employees.

Hearing no further discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-13 was adopted.

ORDINANCE NO. 10-08 – AN ORDINANCE REPEALING SECTION 1145.28 SITE PLAN REVIEW OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO, AND ENACTING IN ITS PLACE A NEW SECTION 1145.28, SITE PLAN REVIEW.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-08 on three separate days. Mr. Lewis seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 10-08 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 10-08. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-08 was adopted.

ORDINANCE NO. 10-14 – AN ORDINANCE REGULATING SEXUALLY ORIENTED BUSINESSES.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 10-14 on three separate days. Hearing no second, Mr. Lewis read Ordinance No. 10-14 for the first time, by title only.

ORDINANCE NO. 10-15 – AN ORDINANCE PROHIBITING CRIMINAL CONDUCT IN SEXUALLY ORIENTED BUSINESSES.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 10-15 on three separate days, Mr. Lewis read Ordinance No. 10-15 for the first time, by title only.

ORDINANCE NO. 10-16 – AN ORDINANCE ENACTING A SURCHARGE FOR CAPITAL IMPROVEMENTS OF TEN DOLLARS (\$10.00) PER QUARTER ON EACH WATER CUSTOMER, AND DECLARING AN EMERGENCY.

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Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 10-16 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 10-16 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 10-16. Mrs. Hellinger seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-16 was adopted.

ORDINANCE NO. 10-17 – AN ORDINANCE ENACTING AN ADDITIONAL CHARGE OF TWENTY-FIVE DOLLARS (\$25.00) PER QUARTER UPON ALL WATER CUSTOMERS WHOSE PREMISES ARE SERVED BY A DEDICATED FIRE PROTECTION WATER LINE, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 10-17 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, one Nay by Mr. Lewis, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 10-17 for the first time, by title only.

Mr. Arnold made a motion for the commencement date on Ordinance No. 10-18 to be March 22, 2010. Also, to change the wording in the last paragraph: “peace, health, safety and welfare of the residents of this ~~Village~~” to *City*. Mr. Cinadr seconded the vote. Six members cast their votes Aye, zero Nay, and the motion to amend Ordinance No. 10-18 passed.

ORDINANCE NO. 10-18 – AN ORDINANCE DETERMINING THE NUMBER OF EMPLOYEES, EXCLUSIVE OF SUPERINTENDENTS AND SUPERVISORS IN THE SERVICE DEPARTMENTS OF THE CITY OF ONTARIO, OHIO AND DECLARING AN EMERGENCY.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-18 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, one Nay by Mrs. Hellinger, and the motion to suspend the rules failed. Mr. Arnold read Ordinance No. 10-18 for the first time, by title only.

ORDINANCE NO. 10-19 – AN ORDINANCE ESTABLISHING THE BEGINNING EMPLOYMENT BENEFITS AND COMPENSATION FOR JANET YEAGER-SWAIN SERVING AS THE CLERK OF COURT FOR THE ONTARIO MAYOR’S COURT AND DECLARING AN EMERGENCY.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 10-19 on three separate days, Mrs. Hellinger read Ordinance No. 10-19 for the first time, by title only.

At 8:10 p.m., Mr. Cinadr made a motion per Ohio Revised Code, Title 1, Chapter 121.22, Section G, Number 1, to convene into executive session to consider the discipline and compensation of a public employee or official. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

At 8:40 p.m., Mr. Lewis made a motion to reconvene into regular session. Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

At 8:41 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, six members voted Aye, zero Nay, and the motion to adjourn passed.

 President of Council

 Clerk of Council