

Regular

April 1

2010

Ontario City Council met in regular session on April 1, 2010, in the City Offices, with Council President Daniel Zeiter 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 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, Street Supervisor Paul Gleisinger, Water Distribution Supervisor Evan Hellinger, and a number of interested citizens were present in the audience.

Mr. Blackwell made a motion to excuse Mr. Williams from this evening's meeting. Mr. Weidemyre seconded the motion. At roll call six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of March 18, 2010 were presented for approval. Mr. Lewis made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, five members voted Aye, zero Nay, one Abstain by Mr. Weidemyre, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Fred Kohler, 1482 Lex-Springmill Road, came before Council to say: Whomever, and hopefully all of you, were behind making Ontario a Tree City. I appreciate those efforts, it is a good thing to have on our resume and hopefully we can continue that endeavor because it is something good to do. Thank you.

Greg Kahl, Communication Supervisor for Richland County Children Services, was next to approach Council: April is Child Abuse Prevention month. We will be holding the Pinwheels for Prevention ceremony at the Richland County Courthouse. I would like to thank the City of Ontario, you did provide the Municipal Building for two of the pinwheel displays in the past. We are releasing our annual reports and I have enough copies for Council. It was a busy year, we initiated 2,748 investigations, a 29% increase over the previous year. A large part was due to the economy and economic factors. We appreciate the support of the community and we encourage people to report child abuse and neglect. We have a 24 hour hot line: 419-774-4100. We are unveiling a new website today: richlandcountyservices.org. All of the information, the annual report, and how to report signs of abuse and neglect are on the website for the public to view. Thank you.

COMMITTEE REPORTS

Mr. Arnold reported on the March 22, 2010 Parks Committee meeting where the purpose was to meet with the Ontario Youth Sports organization. OYS does a lot of field maintenance at both park locations. The meeting resulted in a favorable responsibility agreement between OYS and the City. City employees have already been working on some of the repairs at Stowell Park.

Mr. Blackwell scheduled a Personnel Committee of the Whole meeting on April 8, 2010, at 4:00 p.m., to review the proposed Employee Handbook and Working Ordinance.

Mr. Cinadr announced there will be a Roundtable Council meeting that is open to city council members from Mansfield, Shelby, Lexington, and Ontario. This meeting will take place on April 27.

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

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MAYOR'S REPORT

Mayor Collins reported on several items.

- The Neighborhood Watch and Town Hall Meeting is scheduled for April 13, 2010 at 6:30 p.m., at the Ontario United Methodist Church. The police will be there as well as 4th Ward Councilman Leon Blackwell and the Mayor to answer questions. The meeting is open to everyone.
- The Street Smart Adult Drug Seminar will be held April 20, 2010, at 5:30 p.m., at the Ontario Middle School. Mayors from Lexington, Shelby, Mansfield, Bellville and Ontario, along with the school systems, are supporting this event.
- The Shade Tree Commission will be meeting soon. A Proclamation will be prepared in honor of Arbor Day which is April 30, 2010.
- Since March 1, 2010, the Clerk of Court has collected \$31,088.19 of which \$21,812 is from old cases.

Mayor Collins invited Mr. and Mrs. Merle Orwill to come forward for the presentation of a Proclamation. Mayor Collins read the proclamation in its entirety:

Merle Orewiler first served as an employee of Springfield Township for two years, beginning in 1965, and

WHEREAS, Merle next served his country for two years in the United States Army, and

WHEREAS, Merle came to work for the Village of Ontario in the spring of 1969, and

WHEREAS, Merle retired from the Village of Ontario in 1996 and then returned to work six months later on June 23, 1997, and

WHEREAS, Merle, in the performance of his duties and responsibilities and his working relationships was always characterized by an obvious dedication to getting the job well done, and

WHEREAS, Merle has given dedicated service in the Service Department for the Village and now the City of Ontario for a total of forty-one years, and is the employee with the most years of service ever, and

WHEREAS, Merle has been a very cooperative team member, encourager and has performed meritorious service, and

WHEREAS, Merle has been an integral and very valued employee of the City of Ontario, one whose warm smile and presence we will all miss, and

WHEREAS, Merle retired on Tuesday, March 23, 2010.

NOW THEREFORE, be it resolved that the City of Ontario expresses its sincere appreciation and thanks to Merle Orewiler for his significant contributions to this city and highly commends him for the manner in which he has carried out his duties.

NOW THEREFORE, by virtue of the authority vested in me as Mayor, and on behalf of city council, fellow workers, and all our citizens, we extend best wishes to Merle and his wife, Kathleen, for a full and happy retirement from a most grateful city.

WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ontario to be affixed this 1st day of April, in the Year of Our Lord Two Thousand Ten.

Larry C. Collins, Mayor

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SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston reported on the following items.

Engineering Department

- The contract from the Home Road Lift Station has been signed. A pre-construction meeting will be held on April 13th.
- Mayor Collins and Mr. Heston will meet with the EPA in Bowling Green concerning pump station overflows. The tentative date is April 28th and they would like at least one Council member, possibly from the Utilities Committee, to accompany them.

Streets Department

- The snow on March 25th cost the City \$3,805 for labor, salt and fuel.
- On March 30th the Rock Road Lift Station went into alarm status due to a malfunctioning transducer which will cost approximately \$1,300 to replace.
- The annual inspection of all fire extinguishers has been completed.
- Debris pickup will be April 12th – 16th. There will be one pass per street and one pick-up per household.

Water Department

- The water main break in front of Med Central Health Club required five hours of overtime, \$250 in parts, totaling \$1,000.
- Two potassium pumps needed replaced at the treatment plant at a cost of \$2,200.
- Hydrant flushing will continue for another week and a half.
- Water and Sewer billing went out yesterday.

Police Department

- Officer Day discovered a B&E in progress resulting in the OPD to apprehend three people at the scene. One of these is a suspect in the rash of B&E's in Ontario, Mansfield and possibly other surrounding jurisdictions.
- The OPD successfully negotiated a suicidal subject to a peaceful close.
- In the past two weeks, the department responded to 377 calls, including 15 crashes, 19 alarm drops and 28 arrests.
- The Hostage Negotiation Team trained with the county SWAT/ASORT Team on use of our emergency response equipment, which incorporated the use of an abandoned house in Shelby for practice deployment.
- One officer participated with the U.S. Marshals Fugitive Task Force last week.
- A dispatcher on sick leave until at least April 19th is necessitating overtime.
- For various reasons, officers will no longer be taking their cruisers home except for the Chief, one Special Response Team Officer, and any special circumstance determined necessary by the Chief.

Parks Department

- All Marshall Park restrooms have been opened and we hope to have all soccer fields painted and fertilized by April 5th for the start of spring soccer.
- Baseball starts April 16th; we will be painting the foul lines.
- Four new handrails have been installed at Stowell Park to make access to the bleachers safer. Repairs are being made to some fences and retaining walls.

In response to Mr. Weidemyre's questions, Mr. Heston said he is in the process of contacting Mansfield and Shelby to see if they can join efforts in a cost saving measure to accomplish street sweeping. The City's broom sweeper doesn't have the same effect as a cleaner.

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LAW DIRECTOR'S REPORT

Mr. Sowash reported on the exemptions for pay allowances for active members of the armed forces of the United States. After much research, it has been determined that it is well within reason, the interpretation should be that military pay and allowances of members of the armed forces of the United States, members of their reserve components, including the Ohio National Guard, should not be taxed. They are exempt from municipal tax.

Previously the Income Tax Department received an interpretation of the Income Tax Law, 191.06, that Guard/Reserve members are not considered active. Because this counters that interpretation, Mr. Sowash requested Council make a motion to that effect.

The next item Mr. Sowash addressed was junk vehicles. He met with Mr. Strickler and discussed Ontario Codified Ordinance 1145.13 in the Zoning section which addresses junk vehicles. The Ontario Police Department shall give written notice, by certified mail, to the person in charge of the private property where the unlicensed junk or abandoned vehicle occurred.

Mr. Sowash next referred to legislation on the evening's Agenda, Ordinances 10-14 and 10-15 which pertain to sexually oriented businesses. His recommendation to Council was to make a motion requesting Planning Commission review the existing Zoning Ordinances for any inconsistencies relating to this topic.

Mr. Arnold made a motion that it is Council's interpretation of Section 191.06 (a)(1) of the Codified Ordinances of Ontario that sources of income not taxed shall include the military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components include the Ohio National Guard. That Council directs the Ontario Income Tax Department to not levy Municipal Income Tax on the military pay and allowances. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre made a motion requesting Planning Commission review the existing Zoning Ordinances for any inconsistencies once the new ordinances are passed. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre asked Mr. Sowash if there is any new information pertaining to the empty church on Park Avenue. Mr. Sowash said he will continue to do research.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10-14 – (SECOND READING) AN ORDINANCE REGULATING SEXUALLY ORIENTED BUSINESSES.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-14 on three separate days. Mr. Arnold seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 10-14 for the second time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 10-14. Mrs. Hellinger seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-14 was adopted.

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ORDINANCE NO. 10-15 – (SECOND READING) AN ORDINANCE PROHIBITING CRIMINAL CONDUCT IN SEXUALLY ORIENTED BUSINESSES.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 10-15 on three separate days. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 10-15 for the second time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 10-15. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-15 was adopted.

ORDINANCE NO. 10-17 – (SECOND READING) 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. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 10-17 on three separate days. Mrs. Hellinger seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 10-17 for the second time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 10-17. Mr. Arnold seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Lewis, and Ordinance No. 10-17 was adopted.

ORDINANCE NO. 10-18 – (SECOND READING) 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 AS AMENDED.

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

ORDINANCE NO. 10-19 – (SECOND READING) 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, Mr. Arnold read Ordinance No. 10-19 for the second time, by title only.

ORDINANCE NO. 10-20 – AN ORDINANCE ADVISING THE AUDITOR THAT THE TRANSPORTATION AGREEMENT BETWEEN THE CITY OF ONTARIO, OHIO AND THE RICHLAND COUNTY TRANSIT BOARD FOR THE YEAR 2009 IS NO LONGER IN EFFECT, DIRECTING THE AUDITOR TO MAKE NO FURTHER MONTHLY PAYMENTS TO THE RICHLAND COUNTY TRANSIT BOARD AND DECLARING AN EMERGENCY.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 10-20 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. Mrs. Hellinger read Ordinance No. 10-20 for the first time, by title only.

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Mrs. Hellinger made a motion to adopt Ordinance No. 10-20. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-20 was adopted.

At 7:30 p.m., Mr. Lewis made a motion to enter into executive session for the purpose of discussing personnel matters, per Ohio Revised Code, Title 1, Chapter 121.22, Section G, Number 1. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion was approved.

At 7:43 p.m., Mr. Lewis made a motion to reconvene into regular session. Mr. Arnold seconded the motion. At roll call six members voted Aye, zero Nay, and the motion was approved.

At 7:44 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Blackwell and a second by Mr. Weidemyre. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council