

## Regular

May 20

2010

Ontario City Council met in regular session on May 20, 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 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, and Service-Safety Director Roger Heston, Auditor Jane Hammond, Treasurer Linda Stoodt and Clerk of Council Cathy VanAuker. Also in attendance were a number of interested employees and citizens.

The minutes of the regular Council meeting of May 6, 2010 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Lewis seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

### **PUBLIC COMMENTARY**

Matt Dille, 712 N. Rock Road, came before Council to say: I would like to commend Mr. Weidemyre for standing up for the democratic process and allowing the voice of the people to be heard. Regardless of where you stand on this issue, it is the responsibility of every single elected official to represent the people of said Ward or At-Large. That's what you were elected to do. If you want to vote yes for it after you've completely heard from people, it's been out in the public, it's been in this forum, then so be it. But, the worst thing you can do is to not allow the people to come in here and speak about it, to let their voice be heard. What does that teach our kids in the Ontario school system when they go to government class or social studies and they learn the represented officials are there to vote in their proxy but they get no voice? Secondly, have each one of you done everything possible, in your power, in your position, to make sure the City is operating as efficiently as possible? I'm not talking about cutting safety forces. Have we thought outside the box, liquidating assets? How much property does the City of Ontario own that's just sitting there? There's tons of property, when Charlie Hellinger was Mayor over twenty years ago, that is just sitting there. Richland County Auditor.org. Go to that website, pull up the property that the City of Ontario owns that isn't doing anything. There is property the City owns that is outside the City of Ontario. Do the people know that? Has that been liquidated? Have there been any improvements done to that? What purpose does it serve? So, the first thing we do is go forward and make people pay more taxes. That's one way to go, but have you done everything possible to make sure we're operating as efficiently as possible. I've been in that position before and we've really had to tighten our belts; my wife, myself, my two kids. Everyone needs to do that, government included. If we've got to close down this side of the building, push everyone into a garage to work, we all have to sacrifice. There's a lot things that can be done, just make sure in your position that what you do is you listen to the constituents that you represent and don't say, it doesn't matter we just have to vote on it. It doesn't matter if it gets voted on tonight or two weeks from now, the money is still going to be the same isn't it? But did you really listen to all of your constituents? Did you really give them a voice? Once you do that, that's when your vote really counts. Thank you.

In response to Mr. William's question, Mayor Collins said over \$3.5 million was cut from the 2009 budget plus an additional \$330,000 was cut tonight. We are at bare bones. This legislation cannot go to the voters, it must be enacted by Council.

- Mrs. Stoodt said, based on 2009 figures, 1,642 forms were filed but she isn't able to distinguish between single and joint filers. Wages earned from those forms totaled \$52,928,912 and the income the City received from those filings was zero. A 1% tax would have realized \$529,289.
- Mr. Williams said he would feel comfortable telling his constituents they are using the facilities and not paying anything to the City of Ontario for the police, streets, or snowplowing.

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## COMMITTEE REPORTS

Mr. Williams recommend implementing a no texting while driving law in the City of Ontario. Drivers are now resting the new small computers on their steering wheels.

- Mr. Cinadr said the City of Brooklyn, Ohio has had an active law forbidding the use of cell phones while driving for over twenty years.

Mrs. Hellinger scheduled three Utilities meetings.

May 24, 2010 at 4:30 p.m., a speaker will provide information on grants.

May 26, 2010 at 4:30 p.m., Committee members only.

May 27, 2010 at 4:30 p.m., Committee of the Whole.

Mrs. Hellinger said the sewer rates will need addressed; water rates were already raised. The EPA informed them during their meeting at Bowling Green that the infiltration must be corrected or the City will be fined. A plan must be presented and followed. Payments of \$2,656 per month are currently being paid on the I/I loans and there is still a lot of work that needs done which is why she has invited someone to speak to the Committee regarding grants. Of the two million dollars in loans for the Rock Road I/I, over \$886,000 is still owed. The City has a maximum of a month and a half to present a plan to the EPA. If nothing is done, there will be a fine imposed.

- Mr. Arnold said the rates are 100% lower than the next city closest to our size. Most cases average 200% on sewers. The EPA instructed them not to request aide until the rates are brought into line.
- Mrs. Hellinger said the sewer rates barely keep up with the expenses. The water is beginning to gain due to the recent surcharge.
- The EPA is requiring an EQ basin at the lift station to accommodate the overflow. This is approximately a \$2 million project.
- We are now listed as an economic depressed area which increases the chance of receiving grants.

Ms. Hammond explained the \$1.6 million in the water fund and almost \$1 million in the sewer fund are the reserves that set the budget for the next year and if the reserves are used then the budget will need reduced.

Mr. Blackwell deferred to Mr. Weidemyre to report on the combined Finance and Personnel Committee meeting held earlier this evening. A Finance and Personnel Committee meeting of the Whole was scheduled for June 3, 2010, at 5:00 p.m.

Mr. Weidemyre reported on the joint Finance and Personnel Committee meeting held this evening where Mayor Collins presented an extensive list of cuts totaling \$286,408.70. The Committee discussed the anticipated revenue from the First Energy Aggregation Program that was approved by the voters in the amount of \$100,000 and a refund from property tax exemptions for \$9,000. Mayor Collins will prepare an information sheet identifying the reduced line items and have it available at the next Council meeting.

Mr. Lewis commented on the Streets Committee meeting held on May 14, 2010. The Committee agreed to have the Engineer prepare studies and cost estimates on:

1. The right-turn lane westbound at W. 4<sup>th</sup> Street and Lex-Springmill; extending it in front of Bob Evans.
2. The right-turn lane on Ferguson Road at Lex-Springmill; cutting back on each side to install a right-turn lane.
3. Improve the sequence of lights on Lex-Springmill.
4. Lights at Stumbo and Lex-Springmill are in need of adjustment.
5. No left-turn on Lex-Springmill, southbound at McDonalds; it is dangerous when motorists make a left-turn against a northbound right-turn lane.
6. Poles will be installed on Lex-Springmill by Speedway similar to Trimble Road and W. 4<sup>th</sup> Street.

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Mr. Cinadr said he participated in the meetings with the Ontario Growth Association, the Vision Group, the government sector group replacing ReDEC, represented Council at the Wal-Mart grand re-opening, and participated in the roundtable discussion with council members from Mansfield, Shelby and Lexington. Mr. Cinadr encouraged everyone to project a positive image for this City.

Mr. Arnold had no report this evening.

### **MAYOR'S REPORT**

Mayor Collins reported on several items.

The Administrative Assistant will work at the Service Building in the absence of the Water Clerk. Both buildings are now covered full time for water customers.

The Board of Control will meet tomorrow at 10:00 a.m.

Mayor's Court has purchased a computer attachment for videoing prisoners for court hearings which will eliminate the time and costs involved in transporting them from the County jail.

\$800 million has been made available for EPA clean up at the GM plants. Ontario is on the list to receive money for cleaning up any remaining issues.

Homeowners facing foreclosure can contact the ESOP for assistance. Brochures are available for anyone who is interested.

Mr. Williams said his understanding was the money earmarked for GM clean-up could also be used in other areas. The money will go quickly so he encouraged them to stay informed of the process to obtain funds.

### **SERVICE-SAFETY DIRECTOR'S REPORT**

Mr. Heston presented the following report.

#### Street Department

- Center line delineators are the poles that will be installed on W. 4<sup>th</sup> Street/Lex-Springmill to prevent motorists from turning in and out of the gas station and exiting from the old Taco Bell into the traffic lane. Consideration has also been given to place them in front of McDonalds but now they may research a left-turn lane and forcing mall traffic to the other entrance.
- Ferguson Road has been studied and the traffic count does not justify the existing turn signal so it won't justify a right-turn lane. The City would be responsible for all expenses. Diagrams and plans are available for review; the cost is estimated at \$90,000.
- Mr. Lewis said the Committee discussed utilizing the Fair Road Impact Fees for this project.
- An agreement has been signed to use Mansfield's street sweeper in exchange for two traffic poles with anchors and cages. This will result in a \$2,250 savings over last year.

#### Sewer Department

- A form was constructed for pouring a catch basin top. The fee was \$900 each but now will cost \$250.
- Several berms and catch basins have been repaired.
- Work was done on cleanouts and televising laterals to verify the repairs done in conjunction with the I/I project have held up.

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Water Department

- Groundskeeping at the cemetery has been turned over to the Water Department. Bob Eyerly will continue to manage the sale of plots and schedule burials.
- Thirty-five hydrants have been stripped and ready for painting.
- There are 110 delinquency shut-offs scheduled for May 26<sup>th</sup>.

Police Department

- The City is contractually obligated to replace dispatcher uniforms. In an attempt to reduce costs they are no longer required to wear uniforms but will still replace uniforms upon request.
- There were 17 crashes, 20 alarm drops, 49 suspicious persons/circumstance, 25 arrests and 9 calls from 911.
- Officers will be patrolling St. Rt. 309 and PAW construction zones to protect the highway workers.
- Stolen property that was advertised on Craigslist with a value of \$6,670 was recovered. Felony charges were filed.

Mr. Heston requested Council make a motion for the Ontario Police Department to accept a 2010 or 2011 Ford box truck from Graham Ford of Mansfield valued at \$30,202 which is selected from the approved government bid pricing selection and being paid for by Richland County out of the \$47,101 State Homeland Security Program FY2009 Grant. The City of Ontario will not share in the cost of this purchase.

Parks Department

- Windscreens were installed over the dugouts at the Stowell Park.

Fireworks Committee

- Area businesses are generously donating funds to help defray expenses and providing very nice prizes for the drawings.
- Anyone with a special interest car can participate in the car show.
- The committee is in need of volunteers and information is available at [www.ontario4thofjulyfestival.com](http://www.ontario4thofjulyfestival.com).

Engineering Department

- Construction on P.A.W. and St. Rt. 309 has begun with culvert replacements outside of the roadway limits. After Memorial Day there will be several road closures and detours. All closures will be provided to the media. Everyone is reminded to please slow down in construction zones this summer.
- Beginning May 26<sup>th</sup> contractors will be moving GM's large presses across City streets to US 30. They have been granted permits from the State for the first 5 of 15 oversized loads. The maximum legal load limit in Ohio is 80,000 pounds but these are 600,000 pounds. There is concern of possible catastrophic damage to the streets. The planned route is Stumbo to St. Rt. 309 to St. Rt. 314 to St. Rt. 61. The contractor has already brought in one 205' oversized truck without sufficient notice and ignored permit requirements. A bond has been requested in the amount of \$5 million. These heavy loads destroy the base coat which doesn't show up for a couple of years.
- Per Ordinance, Ontario has a \$10 permit fee but can request bonds and insurances. If a permit has not been granted they will not be permitted on Stumbo Road.

The County Commissioners will purchase a new emergency response truck with money secured from a Homeland Security grant and give the truck to Ontario. The old truck will be used to equip the new truck. Mr. Sowash said, after researching and a discussion with the Chief, there will be no expenditure to the City because the County is purchasing the truck and giving it to the City.

Mr. Williams made a motion to accept the truck from the County Commissioners. Mr. Blackwell seconded the motion. In response to Mrs. Hellinger's questions, the truck is brand new with zero miles, if painting is necessary they could probably get it donated, it was

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unknown if insurance costs will increase, the truck will be worth \$80,000 when completed. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Heston said, dispatchers will still receive their clothing allowance per the contract, worn out clothing was being replaced upon request and the clothing allowance was for dry cleaning.

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

Mr. Sowash reported on several items.

- There has been considerable activity at Municipal Court.
- Mr. Sowash hopes that he is being responsive to the needs of Council, as well as all departments and is open to any suggestions.
- As of April 2010 the office has saved \$12,076 over last year.

Mr. Weidemyre thanked Mr. Sowash for the excellent job he is doing. He then asked the Law Director to research the current ordinances on regulating pit bull dogs and if a contract is in place with the dog warden as mentioned in the News Journal based on an incident in Shelby.

- Mr. Sowash will review the current ordinance that allows pit bulls under very stringent restrictions.

#### **MISCELLANEOUS MATTERS**

Mr. Arnold commented on the new patrolling efforts implemented by the Police Department. The police are parking their cruisers, walking the neighborhoods, and talking to the residents. Police officers are also patrolling on bicycles. These new practices create a very positive image for the teenagers in the community.

Ms. Hammond asked Council for approval to move the offices of the Law Director, Auditor, and Deputy Auditor. She has contacted Dearman Moving and Storage to move the offices, they are insured and bonded, and she will personally pay for the move. This will open two offices in the Administration Building.

Mrs. Hellinger made a motion to approve the move. Mr. Cinadr seconded the move. Mayor Collins said he did not have a problem with the moves. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Zeiter commented there may be additional moves when this is done.

Mr. Cinadr said his wife, Barbara, had totally knee replacement yesterday. She represents the City as the vice-chair on the Board of Richland County Health Department. He thanked everyone for their concerns and well wishes.

#### **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 10-23 – (SECOND READING) AN ORDINANCE TO AMEND SECTION 1146.09 OF THE ZONING ORDINANCE OF THE CITY OF ONTARIO, OHIO BY THE ADDITION OF PARAGRAPH (d) THAT PROVIDES FOR THE DOUBLING OF PERMIT FEES FOR SIGNS ACTUALLY ERECTED WITHOUT A PERMIT.**

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-23 on three separate days. Mr. Cinadr seconded the motion. Four members cast their votes Aye, three Nays by Mr. Williams, Mr. Arnold, and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 10-23 for the second time, by title only.

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ORDINANCE NO. 10-24 – (SECOND READING) AN ORDINANCE TO AMEND SECTION 1146.02 OF THE ZONING ORDINANCE OF THE CITY OF ONTARIO, OHIO BY THE ADDITION OF DEFINITIONS FOR FREE-STANDING SIGN; MONUMENT SIGN; POST AND PANEL SIGN; AND TO AMEND THE EXISTING DEFINITIONS FOR GROUND SIGN AND POLE SIGN.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 10-24 on three separate days. Mr. Blackwell seconded the motion. Five members cast their votes Aye, two Nays by Mr. Williams and Mr. Arnold and the motion to suspend the rules failed. Mr. Lewis read Ordinance No. 10-24 for the second time, by title only.

RESOLUTION NO. 10-05 – A RESOLUTION TO ENTER INTO A MASTER AGREEMENT TO PROVIDE SERVICES TO AN AGGREGATED GROUP WITH FIRST ENERGY SOLUTIONS CORP., AND DECLARING AN EMERGENCY.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Resolution No. 10-05 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Resolution No. 10-05 for the first time, by title only.

Mr. Cinadr made a motion to adopt Resolution No. 10-05. Mr. Williams seconded the motion. In response to Mr. Weidemyre's questions, Mr. Sowash said he was comfortable with the legal but he can't attest to the utility. Seven members cast their votes Aye, zero Nay, and Resolution No. 10-05 was adopted.

ORDINANCE NO. 10-26 - AN ORDINANCE AMENDING SECTION 191.11 TAX CREDIT OF THE CODIFIED ORDINANCES OF THIS CITY TO LIMIT THE CREDIT FOR AN INCOME TAX PAID TO ANOTHER MUNICIPALITY TO ONE-HALF OF ONE PERCENT.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 10-26 on three separate days. Mr. Blackwell seconded the motion. Four members cast their votes Aye, three Nays by Mr. Arnold, Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 10-26 for the first time, by title only.

At 8:30 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Arnold and a second by Mr. Weidemyre. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

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 President of Council

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 Clerk of Council